

of such loans; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

COUSINS, Chairman.

Committee Room,

Austin, Texas, October 5, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 64, A bill to be entitled "An Act defining 'machine gun' and 'person'; making it an offense to possess or use machine guns; making it an offense to sell, lease, barter, give, exchange, trade or cause to be sold, leased, given, bartered, exchanged or traded a machine gun to any person; providing penalty for possessing machine gun; providing penalty for selling, leasing, bartering, giving, exchanging, trading or causing to be sold, leased, given, bartered, exchanged or traded a machine gun to any person; providing exceptions where machine guns are sold to the military forces or peace officers of the United States or any political subdivision thereof, and the transportation thereof; providing exceptions when the possession of machine guns for scientific purposes or possession of machine guns not usable as a weapon and possessed as a curiosity, ornament or keepsake, and possession of machine guns by officials or employees of the State Prison System; providing exceptions where machine guns are sold, leased, bartered, exchanged or given the Adjutant General of the State of Texas, the Sheriff of any county, the Chief of Police of a municipality, the purchasing agent for the Texas State Prison System; the military forces or peace officers of the United States, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WOODRUFF, Chairman.

Committee Room,

Austin, Texas, October 5, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Penitentiaries, to whom was referred

H. B. No. 46, A bill to be entitled "An Act providing for the creation of discharged convicts revolving fund, amending Article 6166-M, as passed by the Fortieth Legislature, 1927, Chapter 212, Section 14, providing for the payment of money into said fund by the State Treasurer out of moneys remitted to him by the General Manager of the State Prison System; providing for reports of the condition of the discharged convicts revolving fund by the depositories, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PATTON, Chairman.

#### SIXTEENTH DAY (Continued).

Senate Chamber,

Austin, Texas,

October 6, 1933.

The Senate met at 10 o'clock a. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

#### Petitions and Memorials.

(See Appendix.)

#### Committee Reports.

(See Appendix.)

#### Bills and Resolutions.

By Senator Woodward:

S. B. No. 82, A bill to be entitled "An Act relating to the time for holding court in the several counties constituting the 119th Judicial District of Texas, composed of the counties of Coleman, Concho, Runnels and Tom Green, fixing the terms for holding court in each county, amending Chapter 367 Acts of the Regular Session of the Forty-first Legislature, 1931, repealing laws in conflict therewith, and declaring an emergency."

Read and referred to Committee on Civil Jurisprudence.

By Senator Parr:

S. B. No. 83, A bill to be entitled "An Act amending Section 2 and Section 4 of Chapter 141 of the Laws of the Regular Session of the Forty-third Legislature, 1933, and declaring an emergency."

Read and referred to Committee on Agricultural Affairs.

By Senator Purl:

S. B. No. 84, A bill to be entitled "An Act amending Articles 2525, 2528 and 2533, Chapter 1, Title 47, Revised Civil Statutes, as amended by Chapter 57, First Called Session, Fortieth Legislature, so as to authorize the State Depository Board to fix periodically a reasonable rate of interest to be paid by State Depositories and Reserve Depositories on State Funds, in lieu of interest rates now specifically fixed by statute to be paid by such State Depositories and Reserve Depositories; amending Articles 2537 and 2539, Chapter 1, Title 47, Revised Civil Statutes, to conform thereto; repealing Articles 2536, 2540, 2541, 2542 and 2543, Chapter 1, Title 47, Revised Civil Statutes, and declaring an emergency."

Read and referred to Committee on Banks and Banking.

By Senator Russek:

S. B. No. 85, A bill to be entitled "An Act authorizing the temporary closing and suspension of state banks, bank and trust companies under certain conditions for the purpose of conserving the assets thereof and formulating and executing a plan of liquidation or reorganization, providing for the appointment of a depositors committee to examine and investigate the condition of the suspended bank and to formulate and recommend a plan of liquidation or reorganization, and permitting such plan when approved by the Banking Commissioner of Texas and depositors and other creditors of the bank representing at least seventy-five percent in amount of its total deposits and other liabilities, authorizing the proper administrative official, officials, board or tribunal in charge of deposits or funds belonging to the State of Texas, any county, city, common school district, independent school district, or other political subdivision of this State to participate in and agree to such plan of liquidation or reorganization and prescribing the duties of the Banking Commissioner in such cases and declaring an emergency."

Read and referred to Committee on Banks and Banking.

By Senator Parr:

S. B. No. 86, A bill to be entitled "An Act to validate all proceedings and Acts of the governing boards of cities containing a population of not more than 11,000 and less than 10,500, according to the next preceding Federal Census, in connection with the issuance of funding warrants and funding bonds heretofore authorized or attempted to be authorized under the provisions of Chapter 163, Acts Forty-second Legislature, Regular Session; and declaring an emergency."

Read and referred to Committee on State Affairs.

By Senator Holbrook:

S. B. No. 87, A bill to be entitled "An Act to repeal Section 12, Chapter 55 of the Special Laws of the Regular Session of the Forty-third Legislature which section permits certain refunding bonds to be issued by the Commissioners' Court of Shelby County to participate in and be paid from the 'county and road district highway fund,' and declaring an emergency."

Read and referred to Committee on Finance.

By Senator Moore:

S. B. No. 88, A bill to be entitled "An Act amending Section 13, Chapter 88, Acts of 1929, General Laws, Forty-first Legislature of Texas, Second Called Session, Page 172, providing that the Highway Department shall issue or cause to be issued license number plates for each motor cycle, road-tractor, trailer, semi-trailer and for any other vehicle registered under said Act, and describing how and where and when the license number plates shall be attached to said described vehicle; and providing that said license number plates shall be fastened by locking devices furnished by the State and that no other fastening or locking device shall be used; and declaring an emergency."

Read and referred to Committee on State Highways and Motor Traffic.

By Senators Neal, Russek, Patton and Parr:

S. B. No. 89, A bill to be entitled "An Act to provide for holding a Texas Centennial Celebration or celebrations in 1936; to provide for

meeting requirements for such celebration or celebrations on the part of places desiring same; to create a Texas Centennial Commission with plenary powers to make all contracts in connection with such celebration or celebrations; to provide for the organization of such Commission, the time of service of same, and the filling of vacancies; to provide for the incorporation of such Texas Centennial Commission; to provide for compensation for members of same; to provide for the final auditing of all accounts, and the disposition of lands, buildings and profits, the final report to the Legislature and the discharge of the Commission by the Legislature; to make an appropriation for carrying out the provisions of this Act; and declaring an emergency.

Read and referred to Committee on Finance.

By Senator Woodul:

S. B. No. 90, A bill to be entitled "An Act authorizing certain independent school districts to receive donations of cash and donations of land upon which to build, erect and construct buildings in which its junior colleges may be maintained and operated and wherein an additional two years college work may be taught so as to constitute a university; authorizing the board of education or board of trustees of such school districts to borrow money from the Federal Emergency Administration of Public Works under the provisions of the National Industrial Recovery Act, or from any other source, for the purpose of building, erecting and constructing on such lands buildings for such purposes and the purchasing of necessary equipment and appliances, and the installation thereof in such buildings, and to mortgage and encumber such lands, buildings, equipment and appliances and the income, rents, tolls, fees and other charges to be derived from the operation thereof and to evidence the obligation therefor by the issuance of bonds, notes or warrants and providing that no such obligations shall ever be a debt of such school district but solely a charge on the property, income, fees, tolls, rents and charges so incumbered and pledged, and declaring such projects so financed to be self-

liquidating in character; authorizing the boards of education or boards of trustees of such school districts to charge such fees and tuition for attendance as may be necessary to make the project self-liquidating and providing the purposes for which the income derived from the operation of any such schools may be used and that if bonds are issued by virtue of the terms of this Act the same may, but shall not be required to, be presented to the Attorney General for his approval and registered by the State Comptroller as in the case of other school bonds, and providing that this Act shall be cumulative to Chapter 290 Acts of 1929, Forty-first Legislature, authorizing the establishment of junior colleges and declaring an emergency."

Read and referred to Committee on Educational Affairs.

By Senator Hopkins (by request):

S. B. No. 91, A bill to be entitled "An Act amending Article 3369, Revised Civil Statutes, 1925, correcting the same by inserting the words 'testamentary or' after the word 'letters' in the last sentence thereof, and declaring an emergency."

Read and referred to Committee on Civil Jurisprudence.

By Senator Hopkins (by request):

S. B. No. 92, A bill to be entitled "An Act amending Article 4195a, Vernon's Annotated Texas Civil Statutes, correcting the same by inserting the word 'ward' in place of the word 'minor,' and by inserting the number '4198' in place of the number '4197,' and declaring an emergency."

Read and referred to Committee on Civil Jurisprudence.

By Senator Greer:

S. B. No. 93, A bill to be entitled "An Act authorizing the commissioners' court in any county having a population of not less than 30,550 and not more than 30,600 according to the last preceding United States census to allow each county commissioner certain expenses for traveling and in connection with the use of his automobile on official business; requiring each such commissioner to pay the expense of operation and repair of each automobile used by him without further expense to the county; limiting the duration of this

Act; and declaring an emergency."

Read and referred to Committee on Counties and County Boundaries.

#### Message From the House

Hall of the House of Representatives,  
Austin, Texas, Oct. 6, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

S. C. R. No. 18, Providing for a joint session of the House of Representatives and the Senate at 11 o'clock a. m., Friday, October 6, 1933, to hear address relative to the Texas Centennial Commission.

Respectfully submitted,

LOUISE SNOW PMINNEY,  
Chief Clerk, House of Representatives.

#### House Bill No. 142

The Chair laid before the Senate as pending business the following bill:

H. B. No. 142, A bill to be entitled "An Act creating the Special Ninth District Court of Montgomery, Waller, Polk, and San Jacinto Counties, etc., and declaring an emergency.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Woodul the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 142 was put on its third reading and final passage by the following vote:

Yeas—31.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Read third time and finally passed by the following vote:

Yeas—27.

Beck.	Parr.
Blackert.	Patton.
Cousins.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

Nays—4.

Collie.	Murphy.
DeBerry.	Poage.

#### Senate Bill No. 82.

The Chair laid before the Senate by unanimous consent the following bill:

By Senator Woodward:

S. B. No. 82, A bill to be entitled "An Act relating to the time for holding court in the several counties constituting the 119th Judicial District of Texas, composed of the counties of Coleman, Concho, Runnels and Tom Green, fixing the terms for holding court in each county, amending Chapter 367, Acts of the Regular Session of the Forty-first Legislature, 1931, repealing laws in conflict therewith, and declaring an emergency."

On motion of Senator Woodward the constitutional rule requiring bills to be read on three several days was suspended, and S. B. No. 82 was put on its second reading by the following vote:

Yeas—31.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment.

On motion of Senator Woodward, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 82 was put on its third reading and final passage by the following vote:

Yeas—31.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Read third time and finally passed by the following vote:

Yeas—31.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

#### S. C. R. No. 20.

Senator Holbrook sent up the following resolution:

Whereas, On or about May 9, 1929, the State Highway Commission of Texas made and entered into a contract with H. J. Hetkes company, for the grading, erection of drainage structures and concrete

pavement of a road in Galveston County, Texas, being Job No. 85-J, as per plans designated by State Aid Project No. 853; and

Whereas, By virtue of said contract, plans and specifications and the requirements of said Highway Commission of Texas and the State of Texas and its agents and employees, controversy has arisen concerning the balance due said H. J. Hetkes company under said contract, plans and specifications and requirements, and the said H. J. Hetkes company desires that said controversy be submitted to a court for judicial ascertainment of the balance due said firm, if any, and to have the amount fixed, if any; now, therefore,

Be it resolved by the Senate of Texas, the House of Representatives concurring, That the said H. J. Hetkes' company, or its assigns, be and it is hereby authorized to sue the State Highway Department of Texas and the State of Texas for such amount as said firm of H. J. Hetkes may be entitled to recover under and by virtue of said contract, plans and specifications and requirements of said Highway Commission of the State of Texas and its agents and employees.

That any party to said suit shall have the right of appeal, and any judgment finally established against the State and the State Highway Commission of Texas shall be a liquidated debt which shall be paid by the Highway Commission of the State of Texas out of the Highway Building Funds of the State of Texas. Such a suit may be filed in any court of competent jurisdiction in Travis County, Texas.

HOLBROOK.

The resolution was read.

By unanimous consent, the rule requiring resolutions to be referred before consideration was suspended.

The resolution was adopted.

Senator Poage asked to be recorded as voting "No."

#### House Bill No. 39.

The Chair laid before the Senate by unanimous consent the following bill:

H. B. No. 39, A bill to be entitled "An Act to validate all ad valorem tax levies heretofore made by incorporated cities and towns in the State of Texas which levies are unenforce-

able because of the failure of the governing bodies of such respective incorporated cities and towns to make such levy or levies by ordinance, and which are unenforceable because of the failure of such governing bodies to appoint the statutory board of equalization, and where the city council, city commission, or other governing body of such incorporated city or town have acted as a board of equalization in the fixing of the valuation of taxable property for ad valorem taxes within any such incorporated city or town, etc., and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Woodward, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 39 was put on its third reading and final passage by the following vote:

Yeas—31.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Read third time and finally passed by the following vote:

Yeas—31.

Beck.	Hopkins.
Blackert.	Hornsby.
Collie.	Martin.
Cousins.	Moore.
DeBerry.	Murphy.
Duggan.	Neal.
Fellbaum.	Oneal.
Greer.	Pace.
Holbrook.	Parr.

Patton.	Sanderford.
Poage.	Small.
Purl.	Stone.
Rawlings.	Woodruff.
Redditt.	Woodul.
Regan.	Woodward.
Russek.	

#### Senate Bill No. 67.

The Chair laid before the Senate by unanimous consent, the following bill:

By Senator Holbrook:

S. B. No. 67, A bill to be entitled "An Act to validate the organization and creation of all school districts, including common school districts, independent school districts, consolidated common school districts, consolidated independent school districts, county line school districts, consolidated county line school districts, and rural high school districts, whether created by general or special law or county boards of trustees and boards of such districts; validating all proceedings and acts of said board of trustees, heretofore taken by such boards of trustees; validating all bonds, voted, authorized and/or sold and/or now outstanding of said districts; validating all tax levies made in behalf of said districts; making certain exceptions; and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment.

On motion of Senator Holbrook, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 67 was put on its third reading and final passage by the following vote:

Yeas—31.

Beck.	Neal.
Blackert.	Oneal.
Collie.	Pace.
Cousins.	Parr.
DeBerry.	Patton.
Duggan.	Poage.
Fellbaum.	Purl.
Greer.	Rawlings.
Holbrook.	Redditt.
Hopkins.	Regan.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Small.
Murphy.	Stone.

Woodruff.  
Woodul.

Woodward.

Read third time and finally passed  
by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Nays—1.

DeBerry.

#### Message From the House.

Hall of the House of Representatives,  
Austin, Texas, October 6, 1933.  
Hon. Edgar E. Witt, President of the  
Senate:

Sir: I am directed by the House to  
inform the Senate, that the House  
has passed the following bills:

H. B. No. 132, A bill to be entitled  
"An Act making an additional allo-  
cation and appropriation of the reve-  
nues derived from the tax levied and  
collected on the gross sales of gas  
transmission lines, by the provisions  
of Article 6060, Revised Civil Stat-  
utes, for the use of the Gas Utilities  
Division of the Railroad Commission  
in enforcing the provisions of Arti-  
cles 6050 et. seq., Revised Civil  
Statutes, relative to the regulation  
of gas utilities; limiting the amount  
to be used during any twelve months'  
period to \$70,000, as provided in  
Article 6066, and in all events to  
the amount of revenue collected in  
any such twelve months' period if  
a lesser sum be collected; etc., and  
declaring an emergency."

The House has failed to pass to  
engrossment by a vote of 52 yeas and  
72 nays:

H. B. No. 43, A bill to be entitled  
"An Act declaring the policy of the  
Legislature to provide for the gen-  
eral welfare by co-operating with  
the Federal Government in making  
effective the provisions of the Na-  
tional Agricultural Adjustment Act

and the National Recovery Act with-  
in the State of Texas with reference  
to producers, distributors, and pro-  
cessors of milk and milk products;  
defining certain terms used in the  
bill; providing for application to the  
Commissioner of Agriculture by  
groups engaged in the milk industry  
for the setting up of a code, codes  
or agreements; authorizing or direct-  
ing the Commissioner of Agriculture,  
after hearing, to set up and promul-  
gate a code, codes, or agreements for  
fair competition for the milk indus-  
try; authorizing the Commissioner to  
impose such conditions as are neces-  
sary to make the codes effective and  
to establish rules and regulations for  
their conduct; providing penalties for  
violation of such codes; etc., and  
declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### Messages From the Governor.

Executive Office,

Austin, Texas, October 5, 1933.

To the Forty-third Legislature in  
First Called Session:

At the request of Senator Margie  
E. Neal, I submit for your consid-  
eration a bill hereto attached to be en-  
titled: "An Act making an appro-  
priation for one district supervisor  
for the State Department of Voca-  
tional Education."

Respectfully submitted.

MIRIAM A. FERGUSON,  
Governor of Texas.

Executive Office,

Austin, Texas, October 5, 1933.

To the Forty-third Legislature in  
First Called Session:

At the request of Senator Joe M.  
Moore I hereby submit for your con-  
sideration the attached bill, being:  
"An Act amending Section 13, Chap-  
ter 88, Acts of 1929, General Laws,  
Forty-first Legislature of Texas,  
Second Called Session, page 172,  
providing that the Highway Depart-  
ment shall issue or cause to be is-  
sued license number plates for each  
motorcycle, road-tractor, trailer,  
semi-trailer and for any other ve-  
hicle registered under said Act, and  
describing how and where and when  
the license number plates shall be  
attached to said described vehicle;  
and providing that said license num-  
ber plates shall be fastened by lock-  
ing devices furnished by the State

and that no other fastening or locking device shall be used; and declaring an emergency."

Respectfully submitted,  
MIRIAM A. FERGUSON,  
Governor of Texas.

Executive Office,  
Austin, Texas, October 5, 1933.  
To the Forty-third Legislature in  
First Called Session:

By request of Representative J. W. McCullough, I herewith submit for your consideration the attached bill, being: "An Act to create a special and more efficient road system for Collin County in the State of Texas."

Respectfully submitted,  
MIRIAM A. FERGUSON,  
Governor of Texas.

Executive Office,  
Austin, Texas, October 5, 1933.  
To the Forty-third Legislature in  
First Called Session:

By request of Representative Butler and other members of the House, I herewith submit for your consideration the attached bill, to be entitled: "An Act to validate, ratify, approve, confirm, and declare enforceable all levies and assessments of ad valorem taxes heretofore made by independent school districts in this State, in counties having a population of not less than 22,500 and not more than 22,900 and declaring an emergency."

Respectfully submitted,  
MIRIAM A. FERGUSON,  
Governor of Texas.

Executive Office,  
Austin, Texas, October 6, 1933.  
To the Forty-third Legislature in  
First Called Session:

Following the adoption by the people of an amendment to the State Constitution, in obedience to the State platform of the Democratic party, taking cognizance of the resolutions adopted by numerous city clubs and organizations throughout Texas and prompted by my own desire to see the one hundredth anniversary of Texas independence suitably commemorated, I hereby submit to the honorable bodies for your consideration the question of holding a Texas Centennial in 1936, such a Centennial as is commensurate with our great empire and in keeping with our incomparable history.

Respectfully submitted,  
MIRIAM A. FERGUSON,  
Governor of Texas.

### Message From the House.

Hall of the House of Representatives,  
Austin, Texas, October 6, 1933.  
Hon. Edgar E. Witt, President of the  
Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to concur in Senate Amendments to H. B. No. 53, and requests the appointment of a conference committee to adjust the differences between the two Houses. The following are appointed on the part of the House:

Moffett, Alexander, Wagstaff, Metcalfe, Beck.

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

### Meeting of Committee of the Whole Set.

On motion of Senator Purl, the Senate voted to resolve itself into a Committee of the Whole at 10:50 o'clock a. m.

### House Bill No. 46.

Senator Patton asked unanimous consent to take up out of its regular order H. B. No. 46.

Objection was heard.

Senator Patton moved to suspend the regular order of business and take up H. B. No. 46. The motion prevailed by the following vote:

Yeas—23.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Holbrook.	Regan.
Hopkins.	Sanderford.
Hornsby.	Small.
Moore.	Stone.
Murphy.	Woodward.
Neal.	

Nays—1.

Purl.

Present—Not Voting.

DeBerry. Oneal.

Absent.

Greer.	Woodruff.
Martin.	Woodul.
Russek.	



The Chair laid before the Senate the following bill:

H. B. No. 46, A bill to be entitled "An Act providing for the creation of discharged convicts revolving fund, amending Article 6166-M, as passed by the Fortieth Legislature, 1927, Chapter 212, Section 14, providing for the payment of money into said fund by the State Treasurer out of moneys remitted to him by the General Manager of the State Prison System; providing for reports of the condition of the discharged convicts revolving fund by the depositories, and declaring an emergency."

Read second time.

On motion of Senator Patton, the rule requiring bills to be printed was suspended.

Senator Purl sent up the following amendment:

Add new section:

Section 1a. Provided, that the State Banking Board shall require said banks mentioned in this Act to pay the same rate of interest on daily balances that is now required by law of State depository banks.

PURL.

Read and adopted.

The bill was passed to third reading.

On motion of Senator Patton, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 46 was put on its third reading and final passage by the following vote:

Yeas—31.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Read third time and finally passed by the following vote:

Yeas—27.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Rawlings.
DeBerry.	Redditt.
Duggan.	Regan.
Fellbaum.	Russek.
Greer.	Sanderford.
Holbrook.	Small.
Hopkins.	Stone.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Nays—3.

Hornsby.	Purl.
Murphy.	

Present—Not Voting.

Poage.

#### Senate Bill No. 57.

The Chair laid before the Senate, by unanimous consent, the following bill:

By Senators Cousins, Redditt, Patton, Woodul, et al:

S. B. No. 57, A bill to be entitled "An Act authorizing navigation districts without the voting of bonds or levying of taxes to acquire, purchase, take over, construct, enlarge, extend, repair, maintain, operate or develop wharves, docks, warehouses, grain elevators, bunkering facilities, belt railroads, floating plants and facilities, lightering, barges, towing facilities and all other facilities or aids incident to or necessary toward the operation or development of ports or wharves within such districts, and to borrow money therefor from the Federal Emergency Administration of Public Works, or other department or agency of the United States Government, and to mortgage and encumber any part or all of such properties, plants, facilities and aids and the revenues and income to be derived therefrom to secure payment thereof, authorizing the issuance of obligations for the repayment thereof from such sources, authorizing the making of all contracts, leases and agreements in connection with such matters, providing if any part of this Act shall be held invalid it will not af-

fect the remainder of the Act, and declaring an emergency."

The committee substitute was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Cousins, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 57 was put on its third reading and final passage by the following vote:

**Yeas—31.**

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Read third time and finally passed by the following vote:

**Yeas—26.**

Beck.	Pace.
Blackert.	Parr.
Cousins.	Patton.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

**Nays—3.**

DeBerry.	Poage.
Moore.	

**Present—Not Voting.**

Collie.	Purl.
---------	-------

**Recess.**

On motion of Senator Woodward, the Senate, at 10:50 o'clock a. m., recessed until 2 o'clock p. m.

**After Recess.**

The Senate met at 2 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

**Special Order Set.**

On motion of Senator Rawlings, H. B. No. 12 was set as special order Tuesday morning immediately following the morning call.

**Executive Session Postponed.**

On motion of Senator Martin, the executive session set for 2 o'clock p. m. today was postponed until after the meeting of the Committee of the Whole.

**Committee of the Whole.**

On motion of Senator Woodward, the Senate, at 2:08 o'clock p. m., resolved itself into the Committee of the Whole.

**In Session.**

The Senate was called to order at 4:29 o'clock p. m. by President Pro Tem George C. Purl.

**Senator Excused.**

On motion of Senator Regan, Senator Rawlings was excused for the balance of the week on account of important business.

**Executive Session.**

The Chair announced that the hour for the executive session had arrived. The Chamber was cleared and the doors were locked.

**After Executive Session.**

At the conclusion of the executive session, the Secretary of the Senate informed the Journal Clerk that the following action had been taken:

**Committee Room,**

Austin, Texas, October 6, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Governor' Nominations, have had under consideration the following appointees, recommended by the Governor, and I, as chairman of said committee, am instructed to report back to the Senate with the recommendation that the following named

persons for the following named positions be in all things confirmed:

To be members of the Gonzales Park Commission:

Mrs. J. M. Elmer,

Mrs. B. B. Hoskins, Sr.,

Mrs. John C. Jones,

all of Gonzales, Gonzales County, Texas.

MARTIN, Chairman.

Adopted.

Committee Room,

Austin, Texas, October 3, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Governor's Nominations, have had under consideration the following appointees recommended by the Governor, and I, as chairman of said committee, am instructed to report back to the Senate with the recommendation that the following named person for the following named position be in all things confirmed:

To be Director of the Texas Rehabilitation and Relief Commission:

Honorable Lawrence Westbrook, of Waco, McLennan County, Texas.

MARTIN, Chairman.

Adopted

#### Free Conference Report.

Senator Sanderford sent up the following Free Conference Committee report:

Committee Room,

Austin, Texas, October 5, 1933.

Hon. Edgar E. Witt, President of the Senate.

Hon. Coke R. Stevenson, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Houses on

H. B. No. 15, A bill to be entitled "An Act authorizing and directing the administrative or governing authorities of the public educational institutions of this State to except and exempt from the payment of all dues, fees and charges except for board and clothing all citizens of Texas who served as nurses or in the armed forces of the United States during the World War or during the Spanish-American War and who were honorably discharged therefrom and giving said citizens a preferential right to be admitted to the benefits of said institutions; providing the provisions of this Act shall apply to

those students herein exempted that have registered and paid fees for the 1933-34 term; authorizing the governing board of such institutions to refund said fees for 1933-34 term, and declaring an emergency."

Have had the same under consideration and beg leave to submit the following bill and ask that it be adopted as H. B. No. 15:

H. B. No. 15.

#### A BILL

To be entitled

An Act authorizing and directing the governing boards of the several State supported institutions of collegiate rank to except and exempt from the payment of all fees, dues, and charges except for lodging, board, and clothing all citizens of Texas who have resided in Texas for a period of not less than twelve (12) months prior to the date of registration and who served as nurses or as members in the armed forces of the United States during the Spanish-American and/or World War and also were honorably discharged therefrom; giving said citizens a preferential right to be admitted to the benefits of said institution; providing that the provisions of this Act shall apply to those students herein exempted that have registered and paid fees for the 1933-34 term; authorizing the governing boards of such institutions to refund said fees for 1933-34 term; providing for the issuance granting and reinstatement of scholarships exempting certain graduates of the accredited high schools of this State from the payment of entrance and other fees; providing for a refund of fees already paid by those herein exempted who have already paid for the 1933-34 school term, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. The governing boards of the several institutions of collegiate rank, supported in whole or in part by public funds appropriated from the State Treasury, are hereby authorized and directed to except and exempt all citizens of Texas, who have resided in Texas for a period of not less than twelve (12) months prior to the date of registration, and who served during the Spanish-

American and/or during the World War as nurses or in the armed forces of the United States during the World War, and who are honorably discharged therefrom, from the payment of all dues, fees and charges whatsoever, including fees for correspondence courses; provided, however, that the foregoing exemption shall not be construed to apply to deposits, such as library, or laboratory deposits, which may be required in the nature of a security for the return of or proper care of property loaned for the use of students, nor to any fees or charges for lodging, board or clothing. The governing boards of said institutions may and it shall be their duty to require every applicant claiming the benefit of the above exemption to submit satisfactory evidence that the applicant is a citizen of Texas and is otherwise entitled to said exemption. The provisions of this section shall apply to those students who are herein exempted that have already registered and paid their fees or tuition for the 1933-34 school term, and the governing boards of such institutions are hereby authorized and directed to refund such fees to any student who has already paid such fees or tuition for the 1933-34 school term.

Sec. 2. The governing boards of said institutions of collegiate rank are hereby authorized to issue scholarships each year to the highest ranking graduate of accredited high schools of this State, exempting said graduates from the payment of all dues, fees and charges whatsoever; provided, however, that said exemptions shall not apply to library or laboratory or similar deposits, nor to fees or charges for lodging, board or clothing. Such exemptions shall be granted subject to such limitations and restrictions as may be prescribed by the governing board of each of said institutions. Promises heretofore made by State educational institutions with reference to scholarships shall not be invalidated by H. B. No. 322, Chapter 196, General Laws of the Regular Session of the Forty-third Legislature and providing that those students who as holders of scholarships granted prior to the passage of H. B. No. 322, Chapter 196, General Laws of the Regular Session of the Forty-third Legislature, who upon entering any of the

State educational institutions are required to pay fees in accordance with the above mentioned Act shall be refunded those fees paid and that those scholarships affected shall continue to be valid so long as the students may desire to use them for the purposes for which they were granted or until such students shall have completed a four year course in such institution.

Sec. 3. The fact that the Act fixing the tuition fees passed by the Regular Session of the Forty-third Legislature unintentionally repealed pre-existing laws which exempted war veterans and certain graduates of certain high schools from the payment of college fees creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and the same is hereby suspended, and that this Act shall take effect from and after its passage and it is so enacted.

Respectfully submitted,

LAIRD,  
AIKIN,  
JAMES,  
WELLS.

On part of the House.

SANDERFORD,  
PACE,  
WOODUL,  
PURL.

On part of the Senate.

Read and adopted by the following vote:

Yeas—27.

Blackert.	Pace.
Collie.	Parr.
DeBerry.	Patton.
Duggan.	Poage.
Fellbaum.	Purl.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Beck.	Rawlings.
Cousins.	Woodruff.

**Message from the Governor.**

Executive Office,  
Austin, Texas, October 6, 1933.  
To the Forty-third Legislature in  
First Called Session:

At the request of Representative McKee, I submit for your consideration the attached bill to be entitled: "An Act granting authority to the State Highway Department to acquire by purchase, and/or to construct, maintain, operate and control ferries over and across any bay, arm, channel, or salt water lake emptying into the Gulf of Mexico, or any inlet of the Gulf of Mexico, any river or other navigable waters of this State where such ferries connect designated State highways, and which may be made self-liquidating or partially self-liquidating; providing for interstate ferries to be acquired by purchase, and to be maintained, operated and controlled by the State of Texas, by the charging of tolls for the use thereof, and the right to charge reasonable tolls is hereby specifically granted to the State Highway Department under this Act, and declaring an emergency."

At the request of Representatives Bedford, Beck, Reed of Bowie, and Burns, I also submit for your consideration the attached bill being: "An Act making appropriation to pay for fuel, light, and water for the Court of Civil Appeals, First Supreme Judicial District at Galveston, Texas, and the Court of Civil Appeals, Sixth Supreme Judicial District at Texarkana, Texas, for the fiscal years ending August 31, 1934 and August 31, 1935, respectively, and declaring an emergency."

Respectfully submitted,  
MIRIAM A. FERGUSON,  
Governor of Texas.

**Message From the House.**

Hall of the House of Representatives,  
Austin, Texas, October 6, 1933.  
Hon Edgar E. Witt, President of the  
Senate:

Sir: I am directed by the House to inform the Senate that the House has refused to concur in Senate amendments to House Bill No. 46, and requests the appointment of a conference committee to adjust the differences between the two Houses. The following are appointed on the part of the House:

Burns, Daniel, Jones of Shelby, Rogers of Hunt, Colson.

The House has passed the following bill:

H. B. No. 20 A bill to be entitled "An Act defining certain words, terms, and phrases for the purpose of amending House Bill No. 578, Chapter 153, of the Acts of the Forty-third Legislature, so as to make it hereafter read as follows: 'Providing and imposing a tax on sales in intrastate commerce in this State of cigarettes, according to their weight; providing that the payment of such tax shall be evidenced by stamps furnished by the State Treasurer; etc., and declaring an emergency.'"

The House has adopted the conference committee report on House Bill No. 15 by a vote of 80 yeas and 32 nays.

H. B. No. 112, A bill to be entitled "An Act to amend Section 2, Chapter 18, Acts of the Fifth Called Session of the Forty-first Legislature, as amended by Chapter 27, Acts of the Regular Session of the Forty-second Legislature, and declaring an emergency."

The House has passed the following resolutions:

S. C. R. No. 10, Granting permission to Frank Tiner to sue the State for personal injuries and damages.

With amendments.

S. C. R. No. 14, Granting permission to Ernest Loyd to sue the State of Texas on claim.

S. C. R. No. 15, Granting permission to D. S. Campbell and children to sue the State of Texas for damages to property.

With amendments.

S. C. R. No. 17, Granting permission to Ralph Bowers to bring suit against Tarrant County, Texas, for personal injuries and damages.

S. C. R. No. 16, Instructing and authorizing the State Superintendent of Public Instruction to pay over to trustees from Brownsboro Independent School District the sum of \$300.00 from the deficiency appropriation provided in S. B. No. 242, Chapter 173, Acts of the Forty-third Legislature, Regular Session.

S. C. R. No. 20, Granting permission to H. J. Hetkes' company to sue the State Highway Department and the State of Texas for contractual damages.

H. C. R. No. 26, Requesting all

chartered transportation companies to issue free passes to any citizen of the State who served in the war between the States of the Union.

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### Motion to Set Special Order.

Senator Small moved to set S. B. No. 46 as special order immediately following the morning call tomorrow.

Senator Woodul moved as a substitute to set the bill as special order Monday morning at 9 o'clock. The substitute motion was lost by the following vote:

#### Yeas—11.

Blackert.	Patton.
Hopkins.	Redditt.
Martin.	Russek.
Moore.	Sanderford.
Pace.	Woodul.
Parr.	

#### Nays—15.

Beck.	Neal.
Collie.	Oneal.
DeBerry.	Poage.
Duggan.	Regan.
Greer.	Small.
Holbrook.	Stone.
Hornsby.	Woodward.
Murphy.	

#### Present—Not Voting.

Purl.

#### Absent—Excused.

Cousins.	Rawlings.
Fellbaum.	Woodruff.

Senator Collie moved as a substitute to set the bill as special order at 2 o'clock p. m. tomorrow. The substitute motion prevailed by the following vote:

#### Yeas—17.

Blackert.	Parr.
Collie.	Patton.
Fellbaum.	Poage.
Greer.	Redditt.
Hopkins.	Russek.
Martin.	Sanderford.
Moore.	Stone.
Neal.	Woodul.
Pace.	

#### Nays—10.

Beck.	Duggan.
DeBerry.	Holbrook.

Hornsby.	Regan.
Murphy.	Small.
Oneal.	Woodward.

#### Present—Not Voting.

Purl.

#### Absent—Excused.

Cousins.	Woodruff.
Rawlings.	

#### Committee of the Whole.

On motion of Senator DeBerry, the Senate, at 5:18 o'clock p. m., resolved itself into the committee of the whole.

#### In Session.

The Senate was called to order at 5:40 o'clock p. m. by President Pro Tem. George C. Purl.

#### Special Order Set.

Senator Stone received unanimous consent to set H. B. No. 51 as special order tomorrow immediately following the morning call.

#### House Bills Referred.

H. B. No. 20, read and referred to Committee on State Affairs.

H. B. No. 112, read and referred to Committee on State Highways and Motor Traffic.

#### Senate Bill No. 27.

The Chair laid before the Senate on its third reading the following bill:

By Senator Parr:

S. B. No. 27, A bill to be entitled "An Act to amend Article 2938 of the Revised Civil Statutes of Texas, 1925, relating to the appointment of election judge and clerks in election precincts where there are one hundred citizens, or more who have paid their poll tax or received their certificate of exemption, etc., and declaring an emergency."

Read third time.

Senator Moore moved the previous question on the further consideration of the bill. The motion prevailed.

The bill was finally passed by the following vote:

#### Yeas—18.

Beck.	Greer.
Fellbaum.	Hopkins.

Hornsby.	Purl.
Martin.	Redditt.
Moore.	Russek.
Neal.	Sanderford.
Pace.	Stone.
Parr.	Woodul.
Patton.	Woodward.

Nays—6.

Collie.	Murphy.
DeBerry.	Oneal.
Holbrook.	Poage.

Absent.

Blackert.	Regan.
Duggan.	

Absent—Excused.

Cousins.	Small.
Rawlings.	Woodruff.

Senator Purl moved to reconsider the vote by which the bill was finally passed and spread the motion on the Journal.

Senator Woodul called up the motion from the Journal.

Senator Purl raised the point of order that the motion would not be spread on the Journal until it was printed tomorrow and therefore could not be called up until that time.

The Chair, Lieutenant Governor Edgar E. Witt, overruled the point of order.

The motion to reconsider was lost.

#### Reason For Vote.

I voted on the prevailing side of this bill, because the previous question had been ordered, in order that I would be in a position to move to reconsider the vote.

PURL.

#### Senate Bill No. 53.

Senator Holbrook asked unanimous consent to take up out of its regular order S. B. No. 53.

Objection was heard.

Senator Holbrook moved to suspend the regular order of business and take up S. B. No. 53.

The motion prevailed by the following vote:

Yeas—21.

Beck.	Holbrook.
Blackert.	Hopkins.
Greer.	Hornsby.

Martin.	Redditt.
Moore.	Russek.
Murphy.	Sanderford.
Neal.	Small.
Oneal.	Stone.
Pace.	Woodul.
Parr.	Woodward.
Patton.	

Nays—5.

Collie.	Poage.
Duggan.	Purl.
Fellbaum.	

Present—Not Voting.

DeBerry.

Absent.

Regan.

Absent—Excused.

Cousins.	Woodruff.
Rawlings.	

The Chair laid before the Senate on its second reading the following bill:

By Senator Holbrook:

S. B. No. 53, A bill to be entitled "An Act making an appropriation for the purpose of providing postage, insurance, stamps and other expenses, necessary in performing the duties required of the State Treasurer in the administration of the provisions of Chapter 13, Acts of Third Called Session of the Forty-second Legislature, during the fiscal years of 1933-34 and 1934-35, to be paid out of interest earned on the daily balances of 'Paying Fund of the Board of County and District Road Indebtedness,' and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment.

On motion of Senator Holbrook, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 53 was put on its third reading and final passage by the following vote:

Yeas—28.

Beck.	Holbrook.
Blackert.	Hopkins.
Collie.	Hornsby.
DeBerry.	Martin.
Duggan.	Moore.
Fellbaum.	Murphy.
Greer.	Neal.

Oneal.	Regan.
Pace.	Russek.
Parr.	Sanderford.
Patton.	Small.
Poage.	Stone.
Purl.	Woodul.
Redditt.	Woodward.

Absent—Excused.

Cousins.	Woodruff.
Rawlings.	

Read third time and finally passed by the following vote:

Yeas—28.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
DeBerry.	Patton.
Duggan.	Poage.
Fellbaum.	Purl.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodul.
Neal.	Woodward.

Absent—Excused.

Cousins.	Woodruff.
Rawlings.	

#### Senate Bill No. 78.

The Chair laid before the Senate by unanimous consent the following bill.

By Senator Pace:

S. B. No. 78, A bill to be entitled "An Act to amend Articles 1111, 1112, 1113 and 1114, of the Revised Civil Statutes of Texas for 1925, and amendments thereof as passed by the Fortieth Legislature, and as amended by Chapter 32, Acts of the Third Called Session of the Forty-second Legislature, and as amended by Chapter 122, Acts of the Forty-third Legislature, Regular Session; providing for the character of repairs and extensions necessary to render efficient service which shall be a first lien and charge upon the incomes of the particular utility which is repaired or extended; providing for proper records to be kept of income and expenses; providing a penalty for failure to maintain such records; providing that bonds

issued under the provisions of this Act may be approved by the Attorney General and registered by the Comptroller; declaring projects carried out under the terms of this Act to be self-liquidating; repealing laws in conflict herewith; providing that this law shall take precedence over conflicting charter provisions, validating all actions by cities and towns and their officials in authorizing and delivering securities to accomplish the object of this Act, and declaring an emergency."

On motion of Senator Pace, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 78 was put its second reading by the following vote:

Yeas—28.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
DeBerry.	Patton.
Duggan.	Poage.
Fellbaum.	Purl.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodul.
Neal.	Woodward.

Absent—Excused.

Cousins.	Woodruff.
Rawlings.	

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment.

On motion of Senator Pace, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 78 was put on its third reading and final passage by the following vote:

Yeas—28.

Beck.	Greer.
Blackert.	Holbrook.
Collie.	Hopkins.
DeBerry.	Hornsby.
Duggan.	Martin.
Fellbaum.	Moore.



Murphy.	Redditt.
Neal.	Regan.
Oneal.	Russek.
Pace.	Sanderford.
Parr.	Small.
Patton.	Stone.
Poage.	Woodul.
Purl.	Woodward.

Absent—Excused.

Cousins.	Woodruff.
Rawlings.	

Read third time and finally passed by the following vote:

Yeas—27.

Beck.	Pace.
Blackert.	Parr.
DeBerry.	Patton.
Duggan.	Poage.
Fellbaum.	Purl.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Nays—1.

Collie.

Absent—Excused.

Cousins.	Woodruff.
Rawlings.	

**Senate Bill No. 49.**

Senator Woodul asked unanimous consent to take up out of its regular order S. B. No. 49.

Objection was heard.

Senator Woodul moved to suspend the regular order of business and take up S. B. No. 49. The motion prevailed by the following vote:

Yeas—13.

Blackert.	Parr.
Holbrook.	Patton.
Hopkins.	Poage.
Hornsby.	Redditt.
Martin.	Sanderford.
Neal.	Woodul.
Pace.	

Nays—5.

Beck.	Murphy.
Fellbaum.	Russek.
Moore.	

Present—Not Voting.

Collie.	Purl.
DeBerry.	Woodward.

Absent.

Duggan.	Regan.
Greer.	Small.
Oneal.	Stone.

Absent—Excused.

Cousins.	Woodruff.
Rawlings.	

The Chair laid before the Senate the following bill:

By Senators Woodul, Small, and Woodruff:

S. B. No. 49, A bill to be entitled "An Act declaring the policy of the Legislature to provide for the general welfare by cooperating with the Federal Government in making effective the provisions of the National Agricultural Adjustment Act and the National Recovery Act within the State of Texas with reference to producers, distributors and processors of milk and milk products; defining certain terms used in the bill; providing for application to the Commissioner of Agriculture by groups engaged in the milk industry for the setting up of a code, codes or agreements; authorizing or directing the Commissioner of Agriculture after hearing to set up and promulgate a code, codes or agreement for fair competition for the milk industry; authorizing the commissioner to impose such conditions as are necessary to make the codes effective and to establish rules and regulations for their conduct; providing penalties for violation of such codes; providing jurisdiction for district courts affecting the operation of the codes, etc., and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

Read second time.

Senator Woodul sent up the following amendment:

Amend committee amendment, Section 3, by eliminating all after the word "county" in line 2 down to the words and figures "three hundred and fifty thousand (350,000)" and inserting in lieu thereof the following: "containing a city having a

population in excess of forty-five thousand (45,000)" and amending the caption to follow.

WOODUL.

The amendment was read.

#### Adjournment.

Senator Pace moved to recess until 9 o'clock tomorrow morning.

Senator Purl moved to adjourn until 9 o'clock tomorrow morning.

The motion to adjourn prevailed, and, at 6:19 o'clock p. m., the Senate adjourned.

#### APPENDIX.

##### Petitions and Memorials.

The White House,  
Washington, Sept. 28, 1933.

My Dear Mr. Barker:

The President has asked me to acknowledge your letter of September 21, with enclosed copy of Senate Resolution No. 11, and to express to you and, through you, to the members of the Senate his hearty appreciation of the assurance of cooperation and support which the resolution conveys.

Very sincerely yours,

LOUIS McH. HOWE,  
Secretary to the President.

Bob Barker, Esq.,  
Secretary of the Senate,  
The State of Texas,  
Fort Worth.

State of New Mexico,  
Office of Secretary of State,  
Santa Fe, N. M., Oct. 4, 1933.

The Honorable Bob Barker,  
Secretary of the Senate,  
Austin, Texas.

Dear Sir: This will acknowledge with appreciative thanks receipt of your letter of September 28, enclosing copy of Senate Resolution No. 16, introduced by Senator K. M. Regan and adopted by a rising vote of your Senate. I am today transmitting the resolution to Mrs. Seligman, wife of the late Governor.

Very truly yours,

MRS. MARGUERITE P. BACA,  
Secretary of State.

Federal Emergency Relief Administration

Office of Administrator,  
Washington, Oct. 2, 1933.

Honorable George C. Purl,  
State Senator,  
Austin, Texas.

My Dear Senator Purl: Regarding your telegram. In an effort to carry out the purpose of the Federal Act, which states that the funds appropriated are to be used in cooperation with the States, we have felt that municipalities and states wherever they were financially able, should bear their just share of the costs of relief.

In keeping with that position, we have informed Texas that we would enter into a cooperative agreement with Texas, wherein we would furnish fifty per cent of the relief and pay for the cost of administration of such relief, provided the funds were appropriated to match the Federal funds and were used for the same purposes for which our funds were appropriated. We have made you a grant for the month of September, which I understand is sufficient to extend to the 15th of October, with the understanding that by that time the Legislature would have ample opportunity to work out arrangements which would meet the Federal requirements.

We have not withdrawn any funds which Texas now possesses; and they will be permitted to spend them until they are exhausted. Inasmuch as the people of Texas have approved a bond issue of twenty million dollars for relief it surely would not be expected that we should continue to pay the full cost of relief merely because the legislature has not as yet found appropriate enabling legislation.

Sincerely yours,

HARRY L. HOPKINS,  
Administrator.

##### Committee on Enrolled Bills.

Committee Room,  
Austin, Texas, October 5, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 18 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

**Committee on Engrossed Bills.**

Committee Room,  
Austin, Texas, October 5, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 32 carefully examined and compared and find same correctly engrossed.  
REGAN, Chairman.

Committee Room,  
Austin, Texas, October 5, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 45 carefully examined and compared and find same correctly engrossed.  
REGAN, Chairman.

Committee Room,  
Austin, Texas, October 5, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 36 carefully examined and compared and find same correctly engrossed.  
REGAN, Chairman.

Committee Room,  
Austin, Texas, October 5, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 33 carefully examined and compared and find same correctly engrossed.  
REGAN, Chairman.

Committee Room,  
Austin, Texas, October 5, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. C. R. No. 11 carefully examined and compared and find same correctly engrossed.  
REGAN, Chairman.

Committee Room,  
Austin, Texas, October 5, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 58 carefully examined and compared and find same correctly engrossed.  
REGAN, Chairman.

Committee Room,  
Austin, Texas, October 5, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on En-

grossed Bills, have had S. B. No. 72 carefully examined and compared and find same correctly engrossed.  
REGAN, Chairman.

Committee Room,  
Austin, Texas, October 5, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 5 carefully examined and compared and find same correctly engrossed.  
REGAN, Chairman.

Committee Room,  
Austin, Texas, October 6, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 67 carefully examined and compared and find same correctly engrossed.  
REGAN, Chairman.

Committee Room,  
Austin, Texas, October 6, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 82 carefully examined and compared and find same correctly engrossed.  
REGAN, Chairman.

Committee Room,  
Austin, Texas, October 6, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 57 carefully examined and compared and find same correctly engrossed.  
REGAN, Chairman.

**Committee Reports.**

Committee Room,  
Austin, Texas, October 6, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 82, A bill to be entitled "An Act relating to the time for holding court in the several counties constituting the 119th Judicial District of Texas, composed of the Counties of Coleman, Concho, Runnels and Tom Green, fixing the terms for holding court in each county, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the

recommendation that it do pass, and be not printed.

WOODWARD, Chairman.

Committee Room,  
Austin, Texas, October 5, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 39, A bill to be entitled "An Act to validate all ad valorem tax levies heretofore made by incorporated cities and towns in the State of Texas which levies are unenforceable because of the failure of the governing bodies of such respective incorporated cities and towns to make such levy or levies by ordinance, and which are unenforceable because of the failure of such governing bodies to appoint the statutory board of equalization and where the city council, city commission, or other governing body of such incorporated city or town have acted as a board of equalization in the fixing of the valuation of taxable property for ad valorem taxes within any such incorporated city or town, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WOODWARD, Chairman.

Committee Room,  
Austin, Texas, October 5, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 75, A bill to be entitled "An Act making appropriation to pay contingent expenses of State Prosecuting Attorney before the Court of Criminal Appeals, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HOLBROOK, Chairman.

Committee Room,  
Austin, Texas, October 6, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 11, A bill to be entitled "An Act making an appropriation of

\$1500.00 for a refrigeration unit for the Governor's Mansion and for preservation and beautification of the Mansion grounds."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HOLBROOK, Chairman.

Committee Room,  
Austin, Texas, October 6, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 111, A bill to be entitled "An Act making an appropriation of \$1500.00 for a special audit to be made under the direction of the Commissioner of the General Land Office relative to bonus and rentals due the State by oil companies, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HOLBROOK, Chairman.

Committee Room,  
Austin, Texas, October 6, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 87, A bill to be entitled "An Act prohibiting the use of a seine or net for taking fish from any of the waters of Bastrop County, excepting a minnow seine for the purpose of taking bait; providing a penalty, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

REDDITT, Chairman.

Committee Room,  
Austin, Texas, October 6, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 57, A bill to be entitled "An Act permitting the taking of pelts of fur-bearing animals for the purpose of sale in Jasper and Newton Counties, during the months of December and January; making it

unlawful to take such pelts or to employ a steel trap for taking any fur-bearing animal during any other months than December and January; providing a penalty; repealing all laws and parts of laws in conflict with this Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

REDDITT, Chairman.

Committee Room,  
Austin, Texas, October 6, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 79, A bill to be entitled "An Act amending Chapter 101, of the Special Laws of the Regular Session of the Forty-third Legislature prohibiting the taking, killing or possession of wild fox for the purpose of barter or sale, and prohibiting the use of steel traps for taking fur-bearing animals in certain counties, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

REDDITT, Chairman.

Committee Room,  
Austin, Texas, October 6, 1933  
Hon. Edgar E. Witt, President of the Senate:

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 62, A bill to be entitled "An Act fixing the seasonal bag limit on wild deer during the open season in Comal County, for a period of one (1) year from and after the passage of this Act, providing a penalty; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed, with the following amendments added.

Committee Amendment No. 1.

Amend House Bill No. 62 by striking out all below the enacting clause

and inserting in lieu thereof the following:

Section 1. The bag limit for deer taken by any person in Comal County during the open season of the year 1933 shall be not more than one buck deer with a pronged horn and not more than one doe deer; provided that no doe deer may be killed on any property where anything of value is accepted for the privilege of hunting on such property or where such property is licensed as a shooting preserve of this State.

Sec. 2. It shall be unlawful to remove any doe deer killed in Comal County beyond the borders of said county.

Sec. 3. Any person killing any deer in Comal County during the open season of the year 1933 in excess of the bag limit provided for in this Act, or any person killing any doe deer in Comal County in violation of any provision of this Act, or any person accepting anything of value and offering to permit or knowingly permitting or failing to report the killing of a doe deer when he has knowledge of such killing on any property where such damage is made, shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not less than Twenty-five (\$25.00) dollars nor more than One Hundred (\$100.00) dollars.

Sec. 4. All laws or parts of laws, in so far as they conflict with any portion of this Act, are hereby suspended during the effective period of this Act.

Sec. 5. The fact that certain deer herds of Comal County are reported out of balance and that it is desirable that the number of does be reduced in order to bring the herds in balance and in order to relieve damage which is reported done to agricultural crops, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended and the same is hereby suspended, and this act shall take effect from and after its passage, and it is so enacted.

Committee Amendment No. 2.

Amend House Bill No. 62 by striking out all above the enacting clause and inserting in lieu thereof the following:

**A BILL**

To be entitled

An Act fixing the bag limit for deer to be taken by any person in Comal County during the open season of 1933; prohibiting the transportation of any doe deer beyond the borders of Comal County; providing a penalty for violation of this act; repealing all laws, insofar as they may conflict with this Act, and declaring an emergency.

REGAN, Chairman.

Committee Room,

Austin, Texas, October 5, 1933.

Hon. Edgar E. Witt, President of the Senate:

Sir: We, your Committee on State Affairs, to whom was referred

S. C. R. No. 19, Granting to the Grand Lodge of the Order of the Sons of Hermann in the State of Texas permission to bring suit against the State of Texas, in a court of competent jurisdiction, etc.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HOPKINS, Chairman.

Committee Room,

Austin, Texas, October 5, 1933.

Hon. Edgar E. Witt, President of the Senate:

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 63, A bill to be entitled "An Act to regulate the business of transporting persons for hire or for compensation over the public roads, highways or bridges of the State of Texas, whether as a common carrier, contract or charter carrier, or as a transportation agency, or travel bureau for obtaining a co-traveler or co-travelers to share the expense of a trip, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HOPKINS, Chairman.

Committee Room,

Austin, Texas, October 6, 1933

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 146, A bill to be entitled "An Act to fix the salaries and compensation of county commissioners in counties with a population of not less than twenty-two thousand two hundred ninety-six (22,296) nor more than twenty-two thousand five hundred eighty (22,580) inhabitants, according to the last Federal Census, and providing for the manner and the fund from which said salaries shall be paid; repealing all laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

FELLBAUM, Chairman.

Committee Room,

Austin, Texas, October 6, 1933

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Banking, to whom was referred

H. B. No. 51, A bill to be entitled "An Act providing for the insurance of deposits in certain state banks; providing penalties for failure to comply with the provisions of this act; fixing venue in the courts of Travis County, Texas, in all suits instituted under this act; providing if any part of this act is declared invalid it shall not affect the validity of the remainder of the act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendments, and be not printed.

RUSSEK, Chairman.

Committee Amendment No. 1.

Amend H. B. No. 51 by Patterson by striking out Section 4 down to paragraph beginning "Vacancies" and insert in lieu thereof the following:

Section 4. The general management of the affairs of the corporation shall be vested in the board of directors selected and composed as follows:

The Commissioner of Banking of the State of Texas shall at all times be an ex-officio member of said board.

Beginning with the effective date hereof and continuing to January

1, 1935, said board shall consist of seven (7) members, namely: The Commissioner of Banking of the State of Texas as ex-officio member; two (2) members to be appointed by the Governor of the State of Texas; two (2) members to be appointed by the Speaker of the House of Representatives of the State of Texas; and two (2) members to be appointed by the Lieutenant Governor of the State of Texas. The members thus appointed shall hold office until January 1, 1935, and until their successors shall have been elected and qualified as herein provided.

Beginning January 1, 1935, the board of directors of the corporation shall be reduced to five (5) in number, including the Commissioner of Banking of the State of Texas, who shall always be an ex-officio member thereof; effective January 1, 1935, the member banks of the corporation shall elect four (4) directors to replace those appointed as hereinabove provided; of the number thus to be elected by the member banks, one (1) shall serve for a period of one year; another shall serve for a period of two (2) years; another shall serve for a period of three (3) years; and another shall serve for a period of four (4) years, or until their respective successors shall have been elected and qualified, and thereafter the terms of the office of the directors shall be for a period of four (4) years. At the initial and all subsequent elections of the directors by the member banks the election shall be effective by a vote of the member banks taken in such manner as the by-laws of the corporation may provide, and each member bank shall be entitled to one (1) vote. In order to determine the period for which they are to serve, the directors elect as of January 1, 1935, shall draw lots to determine which of them shall serve the respective terms of one (1), two (2), three (3), and four (4) years; the purpose being that after January 1, 1935, there shall be one (1) director elected each year to serve a term of four (4) years. In all instances herein a director shall serve until his successor shall have been elected and qualified and nothing herein shall prohibit the election or

re-election of any director then or theretofore serving as such.

#### Committee Amendment No. 2.

Amend H. B. No. 51 by Patterson, page 3, Section Six (6), line sixty-one (61) of the advance printed bill by striking out the word "but" in said line and insert in lieu thereof the word "and," and line sixty-three (63) by striking out the word "shall" and in lieu thereof insert the word "may," and line sixty-four (64) by striking out the words at the end of said line "and provided" and on page four (4) by striking out all of lines one (1) to six (6) inclusive.

#### Committee Amendment No. 3.

Amend H. B. No. 51, by Patterson, so as to conform the caption to the body of the bill.

#### Committee Room,

Austin, Texas, October 5, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 66, A bill to be entitled "An Act amending Section 1 of Chapter 58 of the General Laws of the Forty-second Legislature, Regular Session, as amended by H. B. No. 878, known as Chapter 97 of the General Laws of the Forty-third Legislature, Regular Session, redefining marginal wells, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the committee substitute, hereto attached, do pass in lieu thereof, and be printed.

HOPKINS, Chairman.

#### Committee Amendment.

Amend S. B. No. 66, by striking out all below the enacting clause and inserting in lieu thereof the following, to-wit:

"Section 1. Chapter 58, Section 1 of the Acts of the Forty-second Legislature, at its Regular Session, as amended by H. B. No. 878, Chapter 97, of the General Laws of the Forty-third Legislature, at its Regular Session, be amended so as to hereafter read as follows:

"Section 1. The term 'Marginal Well' as used herein means a pumping oil well capable, under normal unrestricted operating conditions, of producing such daily quantities of oil as herein set out as would be damaged, or result in a loss of production ultimately recoverable, or cause the premature abandonment of same, if its daily production were artificially curtailed. The following described wells shall be deemed 'Marginal Wells' in this State:

"(a) Any pumping oil well within this State having a daily capacity for production of ten (10) barrels or less, averaged over the preceding thirty (30) consecutive days, producing from a depth of two thousand (2,000) feet or less:

"(b) Any pumping oil well within this State having a daily capacity for production of twenty (20) barrels or less, averaged over the preceding thirty (30) consecutive days, producing from a horizon deeper than two thousand (2,000) feet, and less than three thousand (3,000) feet:

"(c) Any pumping oil well within this State, having a daily capacity for production of thirty (30) barrels or less, averaged over the preceding thirty (30) consecutive days, producing from a horizon deeper than three thousand (3,000) feet and less in depth than four thousand (4,000) feet:

"(d) Any pumping oil well within this State having a daily capacity for production of thirty-five (35) barrels or less, averaged over the preceding thirty (30) consecutive days, producing from a horizon deeper than four thousand (4,000) feet and less in depth than five thousand (5,000) feet:

"(e) Any pumping oil well within this State having a daily capacity for production of forty (40) barrels or less, averaging over the preceding thirty (30) consecutive days, producing from a horizon deeper than five thousand (5,000) feet and less in depth than six thousand (6,000) feet:

"(f) Any pumping oil well within this State having a daily capacity for production of forty-five (45) barrels or less, averaged over the preceding thirty (30) consecutive days, producing from a horizon deeper than six thousand (6,000) feet and less in depth than seven thousand (7,000) feet:

"(g) Any pumping oil well within this State having a daily capacity for production of fifty (50) barrels or less, averaged over the preceding thirty (30) consecutive days, producing from a horizon deeper than seven thousand (7,000) feet and less in depth than eight thousand (8,000) feet:

"(h) Any pumping oil well within this State having a daily capacity for production of fifty-five (55) barrels or less, averaged over the preceding thirty (30) consecutive days, producing from a horizon deeper than eight thousand (8,000) feet and less in depth than nine thousand (9,000) feet:

"(i) Any pumping oil well within this State having a daily capacity for production of sixty (60) barrels or less, averaged over the preceding thirty (30) consecutive days, producing from a horizon deeper than nine thousand (9,000) feet and less in depth than ten thousand (10,000) feet."

Sec. 2. The fact that the present definition of the term "Marginal Well" operates as an impediment to the administration of the conservation laws of the State of Texas in an equitable distribution of the allowable production in the oil fields of this State creates an emergency and an imperative public necessity requiring that the constitutional rule which requires bills to be read on three several days be suspended, and such rule is hereby suspended, and that this Act take effect from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, October 6, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 132, A bill to be entitled "An Act making an additional allocation and appropriation of the revenues derived from the tax levied and collected on the gross sales of gas transmission lines by the provisions of Article 6060, Revised Civil Statutes, for the use of the Attorney General's Department in enforcing the provisions of Article 6050 et seq., Revised Civil Statutes, relative to the regulation of gas utilities and the orders of the Railroad Commission, etc., and declaring an emergency."



Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HOLBROOK, Chairman.

Committee Room,

Austin, Texas, October 6, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Agricultural Affairs, to whom was referred

S. B. No. 49, A bill to be entitled "An Act declaring the policy of the Legislature to provide for the general welfare by co-operation with the Federal Government in making effective the provisions of the National Agricultural Adjustment Act and the National Recovery Act within the State of Texas with reference to producers, distributors and processors of milk and milk products; defining certain terms used in the bill; providing for application to the Commissioner of Agriculture by groups engaged in the milk industry in counties having a population in excess of three hundred and fifty thousand (350,000) according to the last preceding Federal census, for the setting up of a code, codes or agreements; authorizing or directing the Commissioner of Agriculture after hearing to set up and promulgate a code, codes or agreements for fair competition for the milk industry; authorizing the Commissioner to impose such conditions as are necessary to make the codes effective and to establish rules and regulations for their conduct; providing penalties for violation of such codes; providing jurisdiction for district courts affecting the operation of the codes; directing county and district attorneys to bring actions to enforce this Act; providing for the amending, modification or change of codes set up under this Act; providing for the publication by the Commissioner of codes; authorizing the Commissioner to suspend or revoke certificates of authority; providing a penalty for violation of this Act; providing a fee for the certificate of authority and making provision for funds for the administration of this Act; making an appropriation of such funds for the enforcement of the Act; providing that if any section or provision

of the Act should be declared unconstitutional such decision shall not affect other provisions or portions of this Act; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with committee amendments, and be not printed.

DeBERRY, Chairman.

Committee Amendment No. 1.

Amend S. B. No. 49, by striking out all below the enacting clause and inserting in lieu thereof the following:

Section 1. It is hereby declared to be the policy of the Legislature of Texas to provide for the general welfare in an emergency hereby declared to exist by co-operating with the Federal Government in making effective the provisions of the National Agricultural Adjustment Act and the National Industrial Recovery Act within this State, with reference to producers and distributors of milk and milk products, to the end that disorganization of the dairy industry may be corrected and the value of this specialized agricultural commodity stabilized, such emergency being particularly acute in the larger centers of population within this State; to set up a code of fair practice as hereinafter provided, and to eliminate unfair competition and practices in the production and distribution of milk and milk products.

Sec. 2. (a) The term "person" when used under this Act shall mean any individual, firm, co-partnership, or corporation.

(b) The term "producer" shall mean any person regularly engaged in the production of fluid milk for sale in the State of Texas.

(c) "Distributors" means any of the following persons engaged in the business of handling fluid milk:

(1) Pasteurizers, bottlers, or other processors of fluid milk:

(2) Persons distributing fluid milk at wholesale or retail to hotels, restaurants, stores or other establishments for consumption on the premises; to stores or other establishments for re-sale, or to consumers irrespective of whether any such person is also a producer of milk, and irrespective of whether the dis-

tribution is by wagon or other vehicle or over the counter.

(d) The term "processor" shall mean any person who receives or buys milk or milk fats for the purpose of changing its nature or character by physical or chemical means into other forms, such as butter, cheese, ice cream, condensed milk, butter-milk, chocolate, or other flavored milk, or milk converted into any other form.

(e) The term "fluid milk" when used under the provisions of this Act shall mean the fresh, clean lacteal secretion obtained by the milking of one or more healthy cows, which secretion has not been soured nor been skimmed or separated so that it has not less than eight and one-half per cent ( $8\frac{1}{2}\%$ ) of solids not fat, and not less than three and one fourth per cent ( $3\frac{1}{4}\%$ ) milk fat, nor been churned, nor evaporated, nor condensed, nor been reduced to powdered form, nor otherwise processed so as to materially change its original condition.

(f) The term "milk industry" when used in this Act shall mean producers, distributors and processors of milk and milk products as defined in this Act.

(g) The term "milk products" when used under this Act shall mean all products of fluid milk, such as sour and sweet cream, skimmed milk, butter, cheese, ice cream, condensed milk, evaporated milk, powdered milk, powdered skimmed milk, butter-milk, or chocolate milk or other flavored milks.

(h) The term "Commissioner" when used in this Act shall mean the Commissioner of Agriculture of the State of Texas.

(i) The term "milk shed" shall include all producers and producer operators who now hold or who may hold permits from the health department of any incorporated town or city to ship milk within the limits thereof.

(j) The term "due notice" shall mean the mailing of a notice to all of the parties affected, or in lieu thereof, of an advertisement published in a daily newspaper, or in the event there is no daily newspaper, then in any other publication of regular issue, said publication to be published in the territory affected. Said advertisement shall be a display ad-

vertisement and shall be of a size at least two columns by six inches. Said notice shall be mailed or shall be published at least five days previous to the time of the hearing and it shall contain information as to the time and place of the hearing, and shall state where a copy of the code or a contemplated change in an existing code may be secured.

(k) A "retail outlet" shall be a person who handles milk and/or milk products for resale to people who customarily do not consume them on the premises where sold.

Sec. 3. Any representative group engaged in the milk industry in any county having a population in excess of three hundred and fifty thousand (350,000) according to the last preceding Federal census, may submit to the Commissioner a code or agreement of fair competition and trade practices. The Commissioner shall then provide for due notice to the parties interested and for a hearing on the proposed code. Any proposed code that receives the approval on matters affecting distributors of 10% of their number and 60% of their volume sold in the milk shed or trade territory affected, and on matters affecting producers of 10% of their number and 60% of their volume represented in the milk shed affected, shall become a duly constituted code upon receiving the approval of the Commissioner. The Commissioner shall not approve a code or an agreement unless said code contains ample protection for consumers, competitors and tends to effectuate the policies herein declared. Every distributor and every processor and every retail outlet of milk or milk products, as defined in this Act, shall apply to the Commissioner for a certificate of authority following the approval of a code to engage in such milk industry in the territory affected, and no distributor or processor or retail outlet, after the effective date of said code, codes or agreements, shall engage in or carry on any milk industry in any area where such code, codes or agreements are in effect without such certificate of authority. Every person required to procure a certificate of authority shall pay to the Commissioner One Dollar (\$1.00) for each certificate issued, said certificate to

be valid for a period of one year from date issued.

Sec. 4. After the Commissioner shall have approved such code, codes, or agreements, the provisions thereof shall be the standard of fair competition for such milk industry within the area defined in such code, codes, or agreements, and any violation of such standards in any transaction in or affecting the milk industry in such area shall be deemed to be an unfair method of competition within the meaning of this Act. Any violation of any provision of such code, codes or agreements shall be punishable as herein provided for in Section 7 hereof.

Sec. 5. Any district court in the State of Texas having jurisdiction over the territory or any portion thereof where such code, codes or agreements are made effective is hereby invested with jurisdiction to prevent and restrain violations of any such code, codes or agreements of fair competition approved under this Act by the Commissioner, and it shall be the duty of the several district attorneys authorized to act in said localities to institute, under the direction of the Commissioner, proceedings in equity to restrain such violations.

Sec. 6. Any code, codes or agreements approved by the Commissioner under the authority of this title may be amended, changed, enlarged, modified or suspended upon the application and approval on matters affecting distribution of 10% of the distributors affected in number and 60% of the volume of the distributors affected, and on matters affecting production of 10% of the producers affected and 60% of the volume affected. The Commissioner must provide for due notice and public hearing of contemplated changes.

Sec. 7. The Commissioner may suspend or revoke such certificate of authority after due notice and opportunity for hearing for violation of the terms and conditions thereof. It is declared to be the intention of the Legislature that the Commissioner in the enforcement of this Act shall conform to codes of fair practice as set up under the authority of the National Industrial Recovery Act and the National Agricultural Adjustment Act. Any distributor or processor or retail outlet who without

such a certificate of authority or in violation of any condition thereof, carries on any transaction in the intrastate handling of milk or milk products for which a certificate of authority is so required shall upon conviction thereof be fined not more than Five Hundred Dollars (\$500.00), or imprisoned not more than six (6) months, or both, and each day such violation continues shall be deemed a separate offense.

Sec. 8. Any code, codes or agreements authorized hereunder shall provide for the necessary funds for the administration thereof. These funds shall include a sum not to exceed one-tenth of one cent per hundred pounds of milk, or its equivalent, which shall, with all other fees for the certificate of authority, filing of codes or agreements, be paid into the Treasury of the State of Texas, and shall be placed to the credit of a special milk enforcement fund, and so much of said fund as is necessary is hereby appropriated for the purposes of the enforcement of this act. These funds shall be based on the milk sold as fluid milk and shall be paid by the distributors for each calendar month within fifteen days following the last of each month, direct to the Treasurer of the State of Texas. All expenses necessary in the administration of this act shall be paid by warrants issued by the Comptroller of Public Accounts on vouchers approved by the commissioner.

Sec. 9. If any section or provision of this act shall be declared unconstitutional or invalid for any reason, such decision shall not affect any other provision or portion of this act, and such other provision or provisions shall remain in full force and effect.

Sec. 10. The importance of the matters covered by this act, the emergency declared to be existing and the necessity for affording and supplying a constant and sufficient quantity of properly prepared and sanitarily protected supply of fluid milk for the people of Texas, and particularly the people in the more congested populated centers of the State of Texas, and the fact that there is now no adequate law regulating matters provided for herein, and the further fact that neither the Agricultural Adjustment Act nor the National Industrial Recovery Act of

the Federal Government does not apply to the business moving in intrastate commerce in the State of Texas, creates such an emergency and imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house should be suspended, and the said rule is hereby suspended, and this act shall take effect and be in force from and after its passage for a period of two years, and it is so enacted.

Committee Amendment No. 2.

Amend Senate Bill No. 49 by striking out all above the caption and inserting in lieu thereof the following:

A BILL

To be entitled

An Act declaring the policy of the Legislature to provide for the general welfare by cooperation with the Federal Government in making effective the provisions of the National Agricultural Adjustment Act and the National Recovery Act within the State of Texas with reference to producers, distributors and processors of milk and milk products; defining certain terms used in the bill; providing for application to the Commissioner of Agriculture by groups engaged in the milk industry in counties having a population in excess of three hundred and fifty thousand (350,000) according to the last preceding Federal census, for the setting up of a code, codes or agreements; authorizing or directing the Commissioner of Agriculture after hearing to set up and promulgate a code, codes or agreements for fair competition for the milk industry; authorizing the commissioner to impose such conditions as are necessary to make the codes effective and to establish rules and regulations for their conduct; providing penalties for violation of such codes; providing jurisdiction for district courts affecting the operation of the codes; directing county and district attorneys to bring actions to enforce this act; providing for the amending, modification or change of codes set up under this act; providing for the publication by the commissioner of codes; authorizing the commissioner to suspend or revoke certificates of authority; providing a pen-

alty for violation of the act; providing a fee for the certificate of authority and making provision for funds for the administration of this act; making an appropriation of such funds for the enforcement of the act; providing that if any section or provision of the act should be declared unconstitutional such decision shall not affect other provisions or portions of this act; and declaring an emergency.

Committee Room,

Austin, Texas, October 6, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 87, A bill to be entitled "An Act to repeal Section 12, Chapter 55 of the Special Laws of the Regular Session of the Forty-third Legislature which section permits certain refunding bonds to be issued by the Commissioners' Court of Shelby County to participate in and be paid from the 'county and road district highway fund', and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HOLBROOK, Chairman.

Committee Room,

Austin, Texas, October 6, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 102, A bill to be entitled "An Act providing for payment of the salary of the Ex-officio Superintendent of Public Instruction in all counties having not less than seven thousand, six hundred and forty-five (7645) and not more than seven thousand, six hundred and ninety (7690) population, according to the last preceding Federal census, from the County Available School Fund; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

NEAL, Chairman.

Committee Room,

Austin, Texas, October 6, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee of the Whole Senate, to whom was referred S. B. No. 46, A bill to be entitled "An Act relating to the issuance of bonds in conformity with Section 51A, Article 3, of the Constitution of the State of Texas, etc., etc."

Have had the same under consideration, and I am instructed by the Committee of the Whole Senate, to report the same back to the Senate of the State of Texas with the recommendation that it do not pass but that the committee substitute bill do pass in lieu thereof and be printed.

PURL, Chairman.

Committee Room,

Austin, Texas, October 6, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 86, A bill to be entitled "An Act to validate all proceedings and acts of governing boards of cities containing a population of not more than 11,000 and less than 10,500, according to the next preceding Federal census, in connection with the issuance of funding warrants and funding bonds heretofore authorized or attempted to be authorized under the provisions of Chapter 163, Acts Forty-second Legislature, Regular Session, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HOPKINS, Chairman.

Committee Room,

Austin, Texas, October 6, 1933

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

S. B. No. 60, A bill to be entitled "An Act fixing the salaries of county commissioners in every county in this State having a population of not less than 30,700 and not more than 30,725, according to the last preceding Federal census; providing for the manner of payment, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

FELLBAUM, Chairman.

Committee Room,

Austin, Texas, October 6, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

S. B. No. 30, A bill to be entitled "An Act amending Article 7256 of the 1925 Revised Civil Statutes of Texas, so as to provide that in all counties containing a city, other than the county seat, in excess of 7,000 inhabitants according to the 1930 decennial census, the tax collector, with the consent and approval of the commissioners' court of said county may appoint a deputy tax collector in such town or city, who shall have the right to issue valid receipts for all taxes collected by him and to collect a fee of twenty-five cents from each person who pays his taxes to said deputy and to whom said deputy issues a receipt; providing that no person shall be charged over twenty-five cents for paying his taxes to said deputy; providing that said deputy shall enter into such bond payable to the county judge of the county, in such amount as the tax collector and commissioners' court may require; and further providing that said tax collector shall likewise remain liable on his bonds for all such taxes collected; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

FELLBAUM, Chairman.

Committee Room,

Austin, Texas, October 6, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 145, A bill to be entitled "An Act amending Article 1041 of the Revised Code of Criminal Procedure of Texas by adding thereto Article 1041 a; providing for the compensation of jailers and/or turn-

keys in all counties in the State having a population of one hundred thousand and one (100,001) inhabitants and not more than one hundred and fifty thousand (150,000) inhabitants; and containing two cities of fifty thousand (50,000) population or more each according to the last preceding Federal census; repealing all laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

FELLBAUM, Chairman.

Committee Room,  
Austin, Texas, October 6, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 127, A bill to be entitled "An Act amending Chapter 220, Acts of the Forty-third Legislature, Regular Session, page 734, by adding thereto Section 5-B (Article 3886-B), providing for the maximum compensation of assistant county attorneys in all counties in this State having a population of one hundred thousand and one (100,001) inhabitants, and not more than one hundred and fifty thousand (150,000) inhabitants, and containing two cities of fifty thousand (50,000) population or more each according to the last preceding Federal census; providing for the compensation of assistant county attorneys in such counties; repealing all laws and parts of laws in conflict herewith; providing that this Act shall become effective on and after January 1, 1934, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

FELLBAUM, Chairman.

Committee Room,  
Austin, Texas, October 6, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 56, A bill to be entitled "An Act fixing the compensation of

county commissioners in every county having a population of not less than twenty-four thousand, two hundred thirty-three (24,233) nor more than twenty-four thousand, three hundred thirty-three (24,333) according to the last preceding United States census, and prescribing how same shall be paid; providing that such shall be the salary of said commissioners so long as the taxable values in the county shall exceed the sum of ten million dollars (\$10,000,000.00) for the next preceding year; fixing said salary when said taxable values are less than said sum; fixing the effective date of the Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

FELLBAUM, Chairman.

Committee Room,  
Austin, Texas, October 6, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 93, A bill to be entitled "An Act granting the commissioners court of Childress County, Texas, power to use all or any part of the interest collected on notes held by the said Childress County against Childress County school land in Bailey and Cochran Counties, Texas, and to use all or any part of the revenue received from rentals or leases on said land for the payment of taxes on said property, and for the payment of such necessary expenses as may be involved in managing or improving such tracts of said land as may remain unsold and for the payment of reasonable attorney's fees in case of foreclosure by said County of Childress on said school lands, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

FELLBAUM, Chairman.

Committee Room,  
Austin, Texas, October 6, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on

Counties and County Boundaries, to whom was referred

S. B. No. 74, A bill to be entitled "An Act fixing the maximum amount of fees which county clerks can receive under the provisions of the Maximum Fee Bill in counties having a prescribed population; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

FELLBAUM, Chairman.

Committee Room,  
Austin, Texas, October 6, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 88, A bill to be entitled "An Act amending Article 2550, Chapter 44 of the Revised Civil Statutes of the State of Texas, 1925, as amended by Act of the Thirty-ninth Legislature, Regular Session, Chapter 135, Section 1, and as amended by Act of the Fortieth Legislature, First Called Session, page 138, Chapter 46, Section 1, and as amended by H. B. No. 555, Chapter 216, page 727, Acts of the Forty-third Legislature, Regular Session, relating to the salaries of county commissioners in certain counties, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with committee amendment, and be not printed.

FELLBAUM, Chairman.

Committee Amendment.

"Except in all counties having an assessed valuation of more than five million dollars (\$5,000,000.00) and less than five million, five hundred thousand dollars (\$5,500,000.00) according to the last preceding tax roll, each commissioner shall receive an annual salary not to exceed one thousand, two hundred dollars (\$1,200).

Committee Room,  
Austin, Texas, October 6, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civ-

il Jurisprudence, to whom was referred

H. B. No. 147, A bill to be entitled "An Act to amend Article 1970, Section 94-b of the Revised Civil Statutes of 1925, as amended by Chapter 16, Section 6, of the Acts of the Forty-first Legislature relating to the salary paid the official court reporter of the county court at law of Harris County, Texas, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WOODWARD, Chairman.

Committee Room,  
Austin, Texas, October 6, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 78, A bill to be entitled "An Act to amend Articles 1111, 1112, 1113, and 1114 of the Revised Civil Statutes of Texas for 1925, and amendments thereof as passed by the Fortieth Legislature, and as amended by Chapter 32, Acts of the Third Called Session of the Forty-second Legislature, and as amended by Chapter 122, Acts of the Forty-third Legislature, Regular Session, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HOPKINS, Chairman.

Committee Room,  
Austin, Texas, October 6, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 31, A bill to be entitled "An Act to provide for creating a Municipal Employees' Pension Fund in all incorporated cities and towns in this State, having a population of more than one hundred thousand (100,000) inhabitants and less than one hundred twenty thousand (120,000) inhabitants according to the last preceding Federal census in counties containing more than nine hundred (900) square miles; creating a board of trustees for the

same; defining the duties and powers of the trustees thereof; describing the persons entitled to receive pensions; providing for a deduction from the salaries of all municipal employees who desire to participate in said fund when entitled thereto under the terms of this Act and for the purpose of creating said fund, and for other sources of revenue therefor; defining the duties of the Treasurer of any such city or town in respect to said fund; providing the method of disbursement of said funds, and providing that such pension fund shall be exempt from judgment and garnishment, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with the following committee amendments attached hereto, and be not printed.

FELLBAUM, Chairman.

#### Committee Amendment No. 1.

Amend House Bill No. 31 by striking out all below the enacting clause, and inserting in lieu thereof the following:

Section 1. Board of Trustees.—In all incorporated cities and towns containing more than One Hundred Thousand (100,000) inhabitants and less than One Hundred and Twenty Thousand (120,000) inhabitants, according to the preceding Federal census, having a fully or partially paid fire department or police department, the mayor, two (2) aldermen or commissioners, two (2) citizens of said city or town to be designated by the mayor, the chief of police, the chief of the fire department and their successors, shall constitute a board of trustees of the Firemen, Policemen and Fire Alarm Operators' Pension Fund, to provide for the disbursement of the same and to designate the beneficiaries thereof. The Board shall be known as the Board of Firemen, Policemen and Fire Alarm Operators' Pension Fund, Trustees of \_\_\_\_\_, Texas. The Board shall hold its office until the next general election in such city for municipal officers. Said Board shall organize by choosing one member as chairman and by appointing a secretary. Such board shall have charge of and administer said fund and shall order payments therefrom

in pursuance of the provisions of this law. It shall report annually to the governing body of such city or town the condition of the said fund and the receipts and disbursements on account of the same with a complete list of the beneficiaries of said fund and the amounts paid them.

Sec. 2. Membership in. — Each fully paid fireman, policeman and fire alarm operator and other persons herein designated as members of either of said departments, in the employment of such city or town, who desires himself or his beneficiaries, to participate in said fund, shall file a written statement with the city clerk of his desire to participate in said fund, and authorize said city or town to deduct one per cent (1%) of his wages each month to form a part of the fund known as the Firemen, Policemen and Fire Alarm Operators' Pension Fund.

Sec. 3. Payments to Fund — There shall be deducted for such fund from the wages of each fireman, policeman and fire alarm operator, and other persons herein designated as members of either of said departments, one per cent (1%) of the wages earned by such employees when they have filed application therefor. Any donations made to such fund and rewards received by any member of either of said departments, and all funds received from any source for such funds shall be deposited in like manner to the credit of such fund.

Sec. 4. Conduct of meetings. — The board shall hold regular monthly meetings upon call of its chairman. It shall issue orders signed by the president or chairman and secretary to the persons entitled thereto, of the amount of money ordered paid to such persons from such fund by said board which order shall state for what purpose such payment is to be made; it shall keep a record of its proceedings, which record shall be a public record; it shall at each monthly meeting send to the city treasurer a written list of persons entitled to payment from the fund, stating the amount of such payment, and for what granted, which list shall be certified to and signed by the president or chairman and secretary of such board, attested under oath. The treasurer shall enter a copy of said list upon the book to be kept for that purpose, which book shall be



known as the "Record Firemen, Policemen and Fire Alarm Operators' Pension Fund Board," of \_\_\_\_\_, Texas, and the said board shall direct payment of the amounts named therein to the persons entitled thereto out of said fund. No money of said fund shall be disbursed for any purpose without a vote of a majority of the board, which shall be a no and yes vote entered upon the proceedings of the board.

Sec. 5. Custody of Fund.—The treasurer of said city or town shall be ex-officio treasurer of said fund. All money for said fund shall be paid over to and received by the treasurer for the use of said fund, and the duties thus imposed upon such treasurer shall be additional duties for which he shall be liable under his oath and bond as such city or town treasurer, but he shall receive no compensation therefor.

Sec. 6 Who may share in fund.—Any person who at the establishment of said fund, or thereafter shall have been duly appointed and enrolled in the fire department, police department or fire alarm operators' department of any such city or town, to which application is made for participation in said fund by such person and who has filed his written application within thirty (30) days after the organization of such board, or who shall file his application within thirty (30) days after becoming a member of either of such departments and who shall have allowed said deductions from his salary, as well as the beneficiaries hereinafter named, shall be entitled to participate in said fund.

Sec. 7. Retirement pensions. —Whenever any member of said departments who shall have contributed a portion of his salary, as provided herein, shall have served twenty (20) years or more in either of said departments, he may be entitled to be retired from said service upon application, and shall, if the board approves, be entitled to be paid from such funds a monthly pension of one-half of the salary received by him at the time of his retirement.

Sec. 8. Disability pensions. —Whenever any member of the fire department, police department or fire alarm operators' department of any such city or town, and who is a contributor to said fund as provided, shall become so permanently disabled

through injury received, or disease contracted, in the line of duty, as to incapacitate him for the performance of duty, or shall for any cause through no fault of his own, become so permanently disabled as to incapacitate him for the performance of duty, and shall make written application therefor approved by a majority of the board, he shall be retired from service and be entitled to receive from said fund one-half of the monthly wages received by him as a member of either of said departments, at the time he became so disabled, to be paid in regular monthly installments.

Sec. 9. Death benefits, widow, etc. —In case of the death before or after retirement of any member of the fire department, police department or fire alarm operators' department of any city or town, resulting from disease contracted, or injury received while in the line of duty, or from any other cause through no fault of his own and who at the time of his death or retirement was a contributor to said fund, leaving a widow or child or children under sixteen (16) years of age, the widow shall be entitled to receive from said fund an amount not exceeding one-fourth of the monthly wages received by such member immediately preceding his death, and the children of said deceased under sixteen (16) years of age shall receive in the aggregate one-fourth of such monthly wages to be equally divided between them. When any child shall reach sixteen (16) years of age, then such child shall no longer participate in the division of said wages of said deceased, but the same shall be paid to his remaining children, if any, under sixteen (16) years of age, in equal parts, until they respectively become sixteen (16) years of age. In no case shall the amount paid to any one family exceed the amount of one-half the wages earned by the deceased immediately prior to the time of his death. Upon the remarriage of any widow or the marriage of any child granted such pension, such pension shall cease. No widow or child of any such member resulting from any marriage contract subsequent to the date of retirement of said member, shall be entitled to a pension under this law.

Sec. 10. Death benefits, father, etc.—If any member of the fire de-

partment, police department, or fire alarm operators' department dies from injuries received or disease contracted while in the line of duty, or from any cause through no fault of his own, who was a contributor to said fund and entitled to participate in said fund himself, leaves no wife or child, but who shall leave surviving him a dependent father, mother, brother or sister, wholly dependent upon said person for support, such dependent father, mother, sister and brother shall be entitled to receive in the aggregate one-half of the wages earned by said deceased immediately prior to his death, to be equally divided between those who are wholly dependent on said deceased, so long as they are wholly dependent. The board shall have authority to determine the facts as to the dependency of said parties and each of them, as to how long the same exists, and may at any time upon the request of any contributor to such fund, reopen any award made to any of said parties and discontinue such pension as to all or any of them as it may deem proper, and the findings of said board in regard to such matter and as to all pensions granted under this law shall be final upon all parties seeking a pension as a dependent of said deceased, or otherwise, until such award of the trustees shall have been set aside or revoked.

Sec. 11. Investigations.—The board shall consider all cases for the retirement and pension of the members of the fire, police and fire alarm operators' department rendered necessary or expedient under the provisions of this law, and all applications for pensions by widows and the children and of dependent relatives, and the said trustees shall give written notice to persons asking a pension to appear before said board and offer such sworn evidence as he or they may desire. Any person who is a member of either of said departments and who is a contributor to said fund may appear either in person or by attorney and contest the application for participation in said fund by any person claiming to be entitled to participate therein, and may offer testimony in support of such contest. The president or chairman of said board shall have authority to issue process for wit-

nesses and administer oaths to said witnesses and to examine any witness as to any matter affecting retirement or a pension under the provisions of this law. Such process for witness shall be served by any member of the police, fire and fire alarm operators' department and upon the failure of any witness to attend and testify, he or she may be compelled to attend and testify, as in any judicial proceeding.

Sec. 12. Medical examination.—Said board may cause any person receiving any pension under the provisions of this law, who has served less than twenty (20) years, to appear and undergo a medical examination, as a result of which the board shall determine whether the relief in said case shall be continued, increased, decreased or discontinued. If any person receiving relief under the provisions of this law, after due notice, fails to appear and undergo such examination, the board may reduce or entirely discontinue such relief.

Sec. 13. Who are members.—All fire, police and fire alarm operators and superintendents in the employ of any such city or town, who have filed their application for participation in said fund, and have contributed a portion of their salary, as provided for other members of such departments, are hereby declared to be members of the fire, police and fire alarm operators' department of such city or town, and they and their beneficiaries shall have the same rights and privileges as are herein granted to other members of such departments of such cities.

Sec. 14. Use of Public Funds.—No funds shall be paid out of the public treasury of any such incorporated city or town, in carrying out any of the provisions of this law, except on a majority vote of the voters of such city or town.

Sec. 15. Awards exempt.—No amount awarded to any person under the provisions of this law shall be liable for the debts of any such person; shall not be assignable and shall be exempt from garnishment or other legal process.

Sec. 16. Emergency Clause.—The fact that the present laws are inadequate for the reason that the Forty-third Legislature in Regular Session amended the then existing law so as

to make it only applicable to cities and towns having a population of two hundred and eighty thousand (280,000) or more, thereby leaving cities or towns with a population containing more than one hundred thousand (100,000) inhabitants and less than one hundred and twenty thousand (120,000) inhabitants without a law to provide for a pension fund and its operation and distribution as they heretofore had, and, further, because of the urgent need for a pension law to provide for a pension fund for firemen, policemen and fire alarm operators in cities and towns in Texas having the population hereinabove last mentioned; such facts therefore create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and said rule is suspended, and that this Act take effect and be in force and effect from and after its passage, and it is so enacted.

Committee Amendment No. 2.

Amend H. B. No. 31, by striking out all above the enacting clause, and inserting in lieu thereof, the following:

A BILL

To be entitled

An Act to provide for creating a Firemen, Policemen, and Fire Alarm Operators' Pension Fund in all incorporated cities and towns in this State, having a population of more than one hundred thousand (100,000) inhabitants and less than one hundred and twenty thousand (120,000) inhabitants, according to the last preceding Federal census, having a paid fire, police, and fire alarm operators' department; creating a board of trustees for the same; defining the duties and powers of the trustees thereof; describing the persons entitled to receive pensions; providing for a deduction from the salaries of all firemen, policemen and fire alarm operators who desire to participate in said funds when entitled thereto under the term of this Act for the purpose of creating said fund, and for other sources of revenue therefor; defining the duties of the treasurer of any such city or town in respect to said fund; providing the method of disbursement

of said funds, and providing that such pension fund shall be exempt from judgment and garnishment, and declaring an emergency.

Committee Room,

Austin, Texas, October 6, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee of the Whole, to whom was referred

S. B. No. 40, A bill to be entitled "An Act authorizing the issuance of relief bonds to the extent of five million (\$5,000,000.00) dollars under Section 51-A, Article III, of the Constitution of the State of Texas, for the purpose of extending relief to bona fide resident of the State of Texas who desire to purchase small farm homes; creating the Texas Farm Commission and designating the membership thereof and prescribing the duties of said Commission; authorizing the Commission to issue and sell said bonds as provided herein and providing the procedure for the sale of said bonds, the disposition of the proceeds thereof, and the manner for repayment of the principal and interest of said bonds at maturity; providing rules and regulations for the making of loans and those eligible for loans; making an appropriation for the support and maintenance of the Texas Farm Commission for the remainder of the current biennium; authorizing the employment of necessary employees; designating the county agricultural agents of the several counties as local agents for the Texas Farm Commission; authorizing the Board of Directors of said Texas Farm Commission to provide necessary by-laws for said Commission for the conducting of its business; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

PURL, Chairman.

Committee Room,

Austin, Texas, October 6, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee of the Whole, to whom was referred

S. B. No. 47, A bill to be entitled "An Act to provide for the location, establishment, purchase, improve-

ment and maintenance of industrial farm centers for citizens of Texas without means of self support, and providing opportunity for such persons to plant, cultivate, and market agricultural products and raise, use and market poultry and live stock for their own support, defining qualifications for admission, etc., etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

PURL, Chairman.

Committee Room,  
Austin, Texas, October 6, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 78, A bill to be entitled "An Act to declare the validity of certain indebtedness arising out of the construction of State Highway No. 41 in the County of Real; to place such indebtedness on a parity with bonds, warrants, and other evidences of indebtedness heretofore authorized to be paid out of the County and Road District Highway Fund; providing for the payment of such indebtedness to Real County in trust for Captain Charles Schreiner, his heirs and legatees; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

FELLBAUM, Chairman.

Committee Room,  
Austin, Texas, October 6, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 85, A bill to be entitled "An Act authorizing any county, political subdivision or defined district thereof to hold an election for the purpose of determining whether it will repurchase any road bonds sold and outstanding at the time of the passage of this Act, out of unexpended and unpledged funds received from the original sale of said bonds, and providing that such elec-

tion shall be ordered and held in the same form and manner provided for in voting such road bonds; providing for the cancellation and destruction of such road bonds upon repurchase by reason of such election; providing that nothing in this Act shall be construed as invalidating any bond election held or bonds previously issued by any county, political subdivision or defined district thereof for the purpose of constructing roads therein; providing that the expense of holding such election shall be paid out of the general fund of the county, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

FELLBAUM, Chairman.

Committee Room,  
Austin, Texas, October 5, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 12, A bill to be entitled "An Act amending and re-enacting Sub-sections 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 Chapter 166 of the Acts of the Forty-third Legislature, being H. B. No. 167, pages 428-433 of the Session Acts of the Forty-third Legislature; appropriating from Special Racing Funds, Twelve Hundred Sixty Dollars (\$1260.00) to defray operating expenses of the Racing Commission for the period ending December 31, 1933; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HOPKINS, Chairman.

Committee Room,  
Austin, Texas, October 6, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Banks and Banking, to whom was referred

H. B. No. 41, A bill to be entitled "An Act amending Article 2529, Chapter 1, Title 47, Revised Civil Statutes of Texas of 1925, as amended by Chapter 57, First Called Session, Fortieth Legislature, as further amended by Chapter 124, General Laws, Regular Session,

Forty-first Legislature, and as further amended by S. B. No. 551, Chapter 240, General Laws, Regular Session, Forty-third Legislature, to authorize the State Depository Board to accept warrants drawn against the General Revenue Fund of the State as collateral to secure deposits made by the State in State Depositories; changing the condition on which said warrants may be eligible for such collateral by allowing same to be used where accompanied by affidavits sworn to by some officer of the bank offering said warrants; affirming that none of the warrants offered as collateral security were transferred or assigned by the original payees of said warrants, or any of them, for a less consideration than ninety-eight per cent (98%) of the face value of said warrants, and that none of such warrants were obtained from the original payees by loaning money thereon at a rate of interest greater than eight per cent (8%) per annum (instead of six per cent (6%) per annum as provided in S. B. No. 551), and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

RUSSEK, Chairman.

Committee Room,

Austin, Texas, October 6, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Penitentiaries, to whom was referred

S. B. No. 29, A bill to be entitled "An Act authorizing the Texas Prison Board to employ a supervising steward or stewardess; prescribing the duties of such steward or stewardess; providing that the Prison Board may alter and/or extend the duties of such supervising steward or stewardess; providing that the supervising steward or stewardess shall receive such salary as provided for in the general appropriation bill for supervising stewards and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

PATTON, Chairman.

Committee Room,

Austin, Texas, October 6, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Banks and Banking, to whom was referred

S. B. No. 44, A bill to be entitled "An Act to authorize all banks and bank and trust companies and savings banks, incorporated under the laws of Texas, to purchase, hold, and dispose of stock in the Federal Deposit Insurance Corporation, created by the Act of Congress known as the Banking Act of 1933, and to comply with all requirements enabling banks and bank and trust companies and savings banks, incorporated under the laws of Texas, to purchase, hold, and dispose of said stock in the Federal Deposit Insurance Corporation; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

RUSSEK, Chairman.

Committee Room,

Austin, Texas, October 6, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Agricultural Affairs, to whom was referred

S. B. No. 77, A bill to be entitled "An Act, the purpose of which is to provide for the general welfare in an emergency hereby declared to exist by effectuating the purposes of the National Recovery Act within this State with reference to the milk industry, by eliminating unfair competitive practices therein, and insuring the sanitary and healthful production and distribution of fluid milk and sweet cream; butter fat and milk distributors; providing for the regulations of the sale and distribution of milk and sweet cream in city or town in which the distribution of milk is governed by a standard ordinance, rule or regulations and providing for a certificate of authority to be issued by the Commissioner of Agriculture authorizing the distribution of milk and sweet cream in such city or town; preventing the sale of milk and sweet cream below cost; preventing the discrimination in price between different sections; providing it to be the duty of the Commissioner of Agriculture to recom-

mend codes of fair competitive practices for the milk industry; providing fees to be paid by the distributors which shall be used in the enforcement of this Act; providing penalties for violation of the provisions of this Act and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

DeBERRY, Chairman.

Committee Room,

Austin, Texas, October 6, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 35, A bill to be entitled "An Act to make provision for: 1 (Section 1.) The adoption of a Home Rule Charter by counties in Texas, upon a vote of the qualified resident electors of such counties, all as provided in Section 3, Article IX of the Constitution of the State of Texas; reference to such provision of the constitution, here is made, to the same effect as though it were embodied herein, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal.

HOPKINS, Chairman.

By Morse, et al. H. B. No. 35.

#### A BILL

#### To Be Entitled

An Act to make provision for: 1—(Section 1). The adoption of a Home Rule Charter by counties in Texas, upon a vote of the qualified resident electors of such counties, all as provided in Section 3, Article 9 of the Constitution of the State of Texas; reference to such provision of the Constitution, here is made, to the same effect as though it were embodied herein. Further providing (Section 19 hereof) that, no County Charter provision impairing the operation of the General Laws of the State relating to the judicial, tax, fiscal, educational, police, highway and health system of the State, or any department of the State's superior government may have effect as

against the State. 2—(Section 2). Making provision for calling conventions in each voting precinct in a county, for the selection of resident delegates to a county convention to be held for the selection of a Charter Drafting Commission, to be composed of persons considered capable of drafting, or to give aid in drafting a Charter deemed to conform to the will and needs of the qualified resident electors of the county, and to be subject to adoption or rejection by vote of the people of the county, under the express conditions of the Amendment and the procedural safeguards of this Act 3—(Section 3). Fixing the qualifications of the signers of a petition for calling a County Charter Convention, the qualifications of persons who may participate in Charter Conventions and the qualifications of voters in a Charter Election. Also fixing the manner for publishing notice and of giving of written notice of various acts required hereby to be done, and prescribing the time for such notices. Also permitting the Charter Drafting Commission to prescribe reasonable notice to its members concerning its meetings and acts. 4—(Section 4). Fixing the form of a petition for submission of a county charter proposal and prescribing the number and qualifications of signers thereof; providing for the filing thereof with the clerk of the commissioners' court of the county, and defining his duties relating thereto. 5—(Section 5). Fixing the time for action by the Court upon such petition, and requiring the court to enter its order on such petition, calling a convention in each voting precinct of the county, prescribing the time for holding such precinct conventions and defining their duties. Also providing for the designation of the day, hour and place for holding each precinct convention. Also providing that the court's order shall fix the day, hour and place for holding the county charter convention; prescribing the limits of time within which precinct and county conventions must be held. 6—(Section 6). Prescribing the substantive form of the notice of the court's order calling the conventions (including the form of

the credentials of delegates, and alternate delegates, from precinct conventions to county conventions and direction for the use of same) and requiring publications of such notice. 7—(Section 7). Specifying that precinct conventions shall be held and proceed with their business, all as fixed in the notice to be published by the commissioners' court. 8—(Sections 8, 9 and 10). Prescribing the manner of organizing the county convention for business, its procedures after organization; its duty to fix the number of persons to serve as a Charter Drafting Commission and to select persons qualified to serve thereon. Providing for fifty-one (51) or more per centum of the total authorized members of the convention to constitute a quorum. Requiring that a journal of all proceedings be kept, showing all yea and nay ballots on each substantive question. Providing for recesses of the convention and notice of reassembling, for forbidding adjournment until its duties have been performed. Providing various procedural safeguards and requiring that service in the convention be without compensation. 9—(Section 11). (a) Prescribing the time for meeting and organization of the Charter Drafting Commission; fixing its quorum for business and providing for filling vacancies thereon by the commissioners' court. Authorizing the commission to adopt reasonable rules to control notice of its meetings and its procedures. (b) Providing that service on the commission be without compensation, but authorizing the commission to incur certain specified necessary expenses and limiting the same; prescribing how such expense may be proved, certified and paid by the county. (c) Providing the time within which the commission must conclude its labors and requiring that the record of its proceedings and all pending written proposals be open to inspection by the public. (d) Providing for alternate and elective charter provisions to be written and submitted for choice by vote of the electors. Providing the commission's certificate of recommendation of adoption of the proposed charter drafted by it. (e)

Providing that if the charter commission originally chosen fails to produce and certify a proposed charter within one hundred eighty (180) days next after its appointment it automatically shall be discharged, and a new charter commission chosen by the reassembled county convention, after procedures and notice for reassembly as by this Act provided. Providing for organization, procedure and the performance of duty of the substitute commission as provided for a defaulting commission. (f) Providing that the commission, upon certification of preliminary recommendation of adoption of a charter, by its order shall fix not less than five (5) times and places in the county for public hearings on the charter as then proposed, and shall cause notice thereof, together with a complete certified copy of the proposed charter, to be published as prescribed in Section 3 of this Act. Fixing the time for such publications, the limit in time for such hearings, and providing the procedure for such hearings. Requiring that all qualified resident electors be heard at such hearings. Providing that, within ten (10) days after such hearings the commission shall make such revision of the proposed charter as by them may be deemed for the betterment thereof. 10—(Section 12.) Fixing the time within which the commission shall prepare its report of a final recommendation for the adoption of the charter drafted by it. Requiring this report and request for the holding of a charter election, to be filed with the commissioners' court of the county. Requiring the report to be accompanied by two (2) true copies of the proposed charter and prescribing the form for such report and request. 11—(Section 13.) (a) Prescribing the duties of the clerk of the court and the duties of the court with reference to such report. (b) Requiring the court by order to call a county charter election, and fixing the time therefor. (c) Providing that the election be conducted after such notice and as is or may be provided by the laws of Texas regulating general elections, save as to those matters specifically pro-

vided in this Act, as being peculiarly appropriate to the subject matter of the Act. Providing for the printing of copies of the proposed charter and distribution of copies thereof in each voting precinct of the county; requiring that the charter, with alternate provisions, if any, be published in full in the published notice of election; providing for ballots and the propositions or proposals to be printed thereon, and prescribing the manner in which the choice of the electors shall be determined. Providing that no proposal to consolidate or merge governmental functions of separate governmental agencies or bodies politic may be voted on at an election held for the original adoption of a charter. Providing that a charter once adopted may make provision whereby such consolidations may be submitted to the voters of the county, as authorized by said amendment to the Constitution. 12—(Section 14.) Providing for canvass of the returns and declaration of the result to be performed by the commissioners' court and the charter drafting commission sitting jointly as a board therefor, and providing for contest of such elections as provided for contest of general elections, but requiring as a condition precedent to a judicial review that certain procedures be taken as specified in subdivisions (a), (b), (c), and (d) of Section 14 of this Act. Also providing that the findings of the joint board of review composed of the commissioners' court and the charter commission be received in evidence in the court of jurisdiction of the contest, and that such findings shall constitute prima facie proof of the facts stated therein. 13—(Section 15.) Providing (in conformity to the provisions of said amendment to the Constitution) that a proposed charter shall be adopted only upon a favoring constitutional majority of the votes cast in the election. Providing that if a proposal to adopt a charter is defeated, no other such proposal may be initiated at a time less than twelve (12) months. Providing that charters hereunder may contain provisions regulating the adoption of amendments thereto, but may

not forbid amendments for a period to exceed two (2) years; also, providing that in the absence of such charter provision, a charter adopted hereunder may be amended at any time. 14—(Section 15a.) Providing in such elections the vote cast by qualified electors residing within incorporated cities and towns shall be separately kept and counted and the votes of electors of the county who do not reside within the limits of any incorporated city or town shall be separately kept and counted and unless a favoring majority vote is cast within and without such cities and towns the charter shall not be adopted. 15—(Section 16.) Providing that all charters adopted hereunder shall contain provision for procedure for the abandonment thereof and return of the county to operate under the general laws of the State, but requiring such proposals must be determined by a majority vote of the electors of the county. 16—(Section 17.) Providing the means whereby proponents of the adoption or amendment of a charter may advance money to pay the cost of procedures hereunder in case money therefor be not available to the county and providing means whereby they may be repaid such advances as and when money therefor may be available to the county. 17—(Section 20.) Provided that if any provision of this Act is declared invalid or unconstitutional it shall not affect any other provision of this Act. 18—(Section 21.) Validating any procedure, taken under the anticipatory enabling Act passed at the Regular Session of the Forty-third Legislature, relating to the formulation, etc., of petitions, including all orders of the commissioners' court relative to such petition. 19—(Section 22.) And declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. The purpose of this Act is to provide an enabling Act under the recent constitutional amendment adopted and known as Section 3 of Article 9 of the Constitution of the State of Texas, hereinafter sometimes referred to as "the amendment," in order that the counties coming within the provision of such



article may adopt, upon a vote of the qualified resident electors of such counties, a Home Rule Charter in accordance with the terms and provisions of such portion of the Constitution.

Sec. 2. This Act shall apply to any qualified county of Texas, desiring to adopt a Home Rule Charter under the powers, and within the limitations, expressed by Section 3 of Article IX of the Constitution of Texas; and, the people of any qualified county who may desire to move for the adoption of a county charter, under such constitutional provisions, shall proceed thereto by calling a convention in each voting precinct of the county for the purpose of choosing a delegate and an alternate delegate to a county-wide convention; which convention shall be charged with the duty to select a Charter Drafting Commission to be composed of persons considered capable of drafting, or to give aid in drafting, a charter deemed to conform to the will and needs of the qualified resident electors of the county; and, to be subject to rejection or adoption by vote of the people of the county; all to be done in keeping with the provision of said amendment and under the procedural safeguards by this Act provided.

Sec. 3. All persons hereinafter referred to as the signers of petitions, as participating in precinct or county conventions and as voting in elections, to be held hereunder, shall be understood to mean resident qualified electors of the affected county. Where the publication of notice is required, unless otherwise provided as to a given case, such notice shall be given by publication in one or more newspapers, having general circulation in the county, at least one day in each of two (2) consecutive weeks, and to give not less than fourteen (14) days from the first day of such publication to the day of any proposed act to which such notice may relate, excluding the day of first publication and the day of the proposed act. The mailing of notice, as later in this Act may be required, unless otherwise provided as to a given case, shall be given by depositing in the United States mail written notice properly stamped and appropriately addressed to the per-

son or persons proper to have notice of a given matter, giving advice of the time and place at which any given proposed act is to be considered or done. Not less than two (2) nor more than ten (10) business days (to be exclusive of the day of the mailing of the notice and the day of a proposed act) may run between the mailing of such notice and any desired meeting for the performance of an act to be done hereunder, all as hereinafter will be required; provided, however, calls for meetings of the Charter Drafting Commission (hereinafter provided for) shall be as established by it, as being reasonable, fitting and necessary.

Sec. 4. Proponents of the adoption of a county charter hereunder, subject to the further provisions of this Section, may procure and present to the commissioners' court of the county (hereinafter designated as the "Court") one or more petitions, bearing the true date upon which the circulation thereof began, seeking the calling of precinct and county conventions (as hereinafter provided for), and identical petitions signed by different qualified persons shall be considered as one petition. Only persons who are resident qualified voters of the county, owning real estate subject to the county's tax, may validly sign the petitions hereby provided for. The minimum number of signatures required upon such petitions shall be determined upon the county population basis, as given in the Federal Census issued next prior to the date of a given petition, and to be as follows: Counties of five thousand (5,000) population or under, one hundred (100); counties of five thousand and one (5,001) to ten thousand (10,000), two hundred (200); counties of ten thousand and one (10,001) to twenty-five thousand (25,000), three hundred (300); counties of twenty-five thousand and one (25,001) to seventy-five thousand (75,000), four hundred (400); counties of seventy-five thousand and one (75,001) to one hundred fifty thousand (150,000), five hundred (500); counties of one hundred fifty thousand and one (150,001) or more, six hundred (600). Any form of petition which indicates the desire to proceed for adoption of a Home Rule Charter

for the county (which hereinafter may be referred to as the "Charter"), under said Section 3 of Article IX of the Constitution shall be sufficient. Upon the delivery of such petition it shall be the duty of the clerk of said court to mark the day of filing thereon, and thereafter, as soon as may be done, to record the same in the minutes of the court as a part of the order which the court must enter in compliance with the petition.

Sec. 5. At the first meeting of the court after the filing of any such petition, or at any time not to exceed ten (10) days after the filing of such a petition, it shall be the duty of the court to enter its order to execute said petition by calling a precinct charter convention (hereinafter provided for) in each voting precinct of the county, as defined and designated at the time any such petition may bear date, for the purpose of selecting one delegate and an alternate from each precinct to participate in a county convention (hereinafter provided for). The court's call shall fix the time for holding such precinct conventions, for a time not less than twenty (20) days nor more than thirty (30) days after the date of the calling order, and shall fix the time for the holding of the county convention for a time not less than ten (10) days nor more than twenty (20) days after the time set for holding precinct conventions.

The call shall designate for each precinct a place therein for the holding of its convention and shall specify the time for opening such conventions at ten (10) o'clock of the morning. Such call also shall specify a place in the county seat (preferably a designated room in the county courthouse) for the holding of the county convention, and shall designate an opening hour therefor not earlier than ten (10) o'clock of the morning and not later than two (2) o'clock of the afternoon.

Sec. 6. The form of the call provided for in Section 5 hereof shall be in form substantially as follows:

#### NOTICE

State of Texas,  
County of \_\_\_\_\_  
To Each Resident Qualified Elector  
of This County:

Complying with a petition seeking the adoption of a County Home Rule Charter, filed with the county commissioners' court of this county on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, we issue and publish this call for precinct conventions and a county convention to provide a commission to draft a proposed charter to be submitted to a vote of the qualified electors of this county. You respectively hereby are notified to be present at ten (10) o'clock in the morning on the the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at the place hereinafter designated for the county voting precinct in which you may reside, for the purpose of participating in a precinct convention for the election of one delegate and one alternate to represent your precinct in a county convention to be held in (name place, city or town and designate the place therein) and to convene at \_\_\_\_\_ o'clock \_\_\_\_\_ m., on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

In the precinct convention each qualified person present and participating (to exclude all persons who are not qualified voters residing in the precinct) shall be entitled to one vote each on each question presented, and all questions shall be determined by a majority of the votes cast. Organization shall be effected by choice of a temporary chairman and a temporary secretary, to be followed by a selection of a permanent chairman and a permanent secretary. The procedure shall be under Robert's Rules of Order or other orderly procedure. All votes save those incident to organization shall be by written ballot. The convention, by majority vote, will choose one delegate and one alternate to participate in the county convention, both of whom must reside in county voting precinct to be represented by them. When the delegate and the alternate shall have been chosen, the chairman and the secretary of the convention, in the presence of the convention shall sign the credentials of the delegate and the alternate, both of whom shall countersign the credentials for identification, if required by the county convention. The credentials shall be sufficient if in form substantially as follows:

....., 19.....  
 To County Convention:  
 This certifies to you that .....  
 ..... (whose post office ad-  
 dress is .....),  
 as delegate, and .....  
 (whose post office address is .....  
 .....), as alternate, will  
 be authorized to represent precinct  
 number ..... in your proceeding.

Chairman. Secretary.  
 Countersigned:

Delegate. Alternate Delegate.  
 The credentials so executed shall  
 be placed in an envelope bearing the  
 secretary's name written across the  
 closed seal, and delivered by the  
 delegate, or alternate, to the tempo-  
 rary secretary of the county conven-  
 tion at the time of its convening.  
 Whereupon, the persons so certified  
 shall be entitled to represent your  
 precinct in the county convention.  
 The official county voting precinct  
 numbers and the respective places  
 for holding the several precinct con-  
 ventions follow, viz:

Precinct No. Place of Convention.  
 (Here Designate) (Here Designate)  
 Commissioners' Court of .....

County, Texas.

Attest:

By .....  
 County Judge.

Clerk.

(Seal.)

Said notice, as soon as may be  
 done, shall be published as provided  
 in Section 3 of this Act. No error  
 in the form of the notice or the  
 printing thereof which is not harm-  
 fully misleading, after the exercise  
 of reasonable diligence to know the  
 truth, shall invalidate the call for  
 the conventions.

Sec. 7. The precinct convention  
 shall be held, organized and shall  
 proceed to a conclusion as specified  
 in the convention call written in  
 Section 6 hereof.

Sec. 8. The county convention  
 shall convene at the time and place  
 designated in the call therefor (or  
 other well known adequate place, if  
 it be not convenient to occupy the  
 place originally designated), and  
 shall proceed to temporary organ-  
 ization as provided for precinct con-  
 ventions. The temporary chairman  
 shall call for the presentation of

credentials of delegates and their  
 alternates, whereupon the temporary  
 chairman and temporary secretary,  
 in the presence of all persons pres-  
 ent who may desire to supervise,  
 shall open the credentials and shall  
 prepare a written permanent roll of  
 all persons shown by the credentials  
 to be authorized to participate in  
 the further proceedings of the con-  
 vention. The convention shall then  
 proceed to permanent organization  
 by electing a permanent chairman  
 and secretary. Upon the roll shall  
 be noted those delegates (and alter-  
 nates for absent delegates) who  
 may be present for participation in  
 the convention. Procedure shall be  
 in accordance with Robert's Rules  
 of Order. The presence at roll call  
 for the opening session of the con-  
 vention of fifty-one (51), or more,  
 per centum of the total number of  
 authorized delegates shall constitute  
 a quorum for the conduct of busi-  
 ness during such session and until  
 final adjournment and dissolution of  
 the convention.

All questions shall be decided by  
 a majority of the votes cast there-  
 on. An alternate shall be permitted  
 to participate in the proceedings of  
 the convention only in the absence  
 or non-participation of the delegate  
 for whom such alternate was chosen.  
 All votes shall be by written ballot  
 bearing the voter's name and precinct  
 number. The respective yeas and  
 nays upon every question shall be  
 recorded by name in the presence of  
 the convention, the result of each  
 ballot shall be declared to the con-  
 vention in an audible voice and shall  
 be recorded in the convention's jour-  
 nal, in a manner showing each issue  
 decided by each ballot taken. The  
 convention may recess from time  
 to time, but may not adjourn until  
 the work is ended; provided, that,  
 the time and place for resuming its  
 session after a recess thereof shall  
 be announced prior to such recess,  
 or written notice of reassembly  
 given as provided in Section 3 of  
 this Act. The business of the con-  
 vention shall be dispatched with all  
 possible diligence, and no compensa-  
 tion or expense shall be allowed to  
 any member of the convention.

Sec. 9. (a) When the convention  
 shall have been organized, the mem-  
 bers, by ballot, shall determine  
 whether the Charter Drafting Com-

mission (which hereinafter may be referred to as the "Commission") to be chosen shall consist of three (3), five (5), seven (7), nine (9), eleven (11), thirteen (13), or fifteen (15) members. This having been determined, the chairman of the convention, from the membership of the convention, shall appoint a nominating committee of five (5) persons, who shall retire and prepare a list, alphabetically arranged, of proposed members of the commission to be chosen, which list shall bear twice as many names of persons as there are to be members of the Drafting Commission, and regional representation may properly be made a consideration in the nominations. The persons to be named by the nominating committee may or may not be members of the convention, but they shall be persons deemed to have peculiar fitness for the drafting of, or aid in the drafting of, a charter to control the county government.

(b) When the nominating committee shall have reported, they shall be discharged and the secretary of the convention will furnish to each present member of the convention a true copy of the nominations, together with a ballot slip on which shall be written the number of names to be voted for. From the names nominated by the committee, each voting member of the convention shall select those nominated persons (equal in number to the membership of the Drafting Commission) preferred by the voting member for service on the commission, indicating the choice by crossing out the names of those nominated persons not preferred by the voter. There may be as many ballots as are required to obtain a majority vote for a number of nominees equal to the membership of the Drafting Commission. Those persons receiving in consecutive order from high to low, the highest number of votes shall be elected for service: In case of a tie vote, balloting shall continue until the tie is broken. The results of each ballot shall be tallied and canvassed by the secretary, in the presence of the convention and the result audibly declared. The Drafting Commission so chosen shall be given their written credentials, signed by the chairman and secretary of the convention. Written minutes of all proceedings of the con-

vention shall be kept in a journal, audibly read in the presence of the convention, and if found without majority sustained objection, they shall be approved and signed by the chairman and the secretary of the convention (safely to be preserved for disposition as later in this Act is provided), and thereupon the convention shall be adjourned, subject to recall only as hereinafter is provided for.

Sec. 10. The County Charter Convention and the Charter Drafting Commission each shall cause to be kept a daily journal correctly reflecting their respective proceedings, and showing the yea and nay votes on all substantive questions, which shall be adequately identified in the journals. These journals must be preserved as permanent records and filed as archives in the records of the administrative body of the county, as hereinafter provided for.

Sec. 11. (a) Within ten (10) days after their election the Drafting Commission shall convene at some convenient time and place in the county seat, known in advance to all members of the commission, for organization, which shall be as for organization of a precinct convention. The commission may adopt all necessary reasonable rules to control notice of meetings and its procedure save that, attendance of a majority of the commission's membership shall be required to constitute a quorum for business, and all questions shall be decided by a majority vote of those members in attendance. So long as there be not vacancies to destroy a lawful quorum of the commission, it lawfully may transact its business and perform its duties; however, in case of a vacancy of a membership either through inability or failure or refusal of a member to act, the commission may certify the vacancy to the commissioners' court, whereupon it shall become the duty of the court to fill the vacancy on the commission by a majority supported order of record in its minutes.

(b) The Drafting Commission shall be empowered to employ one clerk, who shall be a competent stenographer and who shall fill the office of secretary of the commission. The commission shall be authorized to make reasonable compensation to its secretary, but not, in any event,

to exceed Six Dollars (\$6.00) per day of actual service, and ratably for a fraction of a day. The commission shall be authorized to incur all other reasonable expense, necessary to facilitate its work, but not in any event to exceed Three Dollars (\$3.00) per day (exclusive of the cost to publish notices, as required by this Act) for the full period from the first meeting day of the commission until it may have been discharged. The expenses so incurred, and the cost to publish the notices by this Act required, shall be paid under orders signed by the chairman and the secretary of the Drafting Commission, addressed to the commissioners' court of the county, and, if the vouchers accompanying such orders be found to support the same, it shall be the duty of the court promptly to make payment thereof by warrants drawn on the county's General Fund, whether budgeted therein, or not. No member of the Drafting Commission shall have compensation for service on the commission.

(c) The Drafting Commission shall diligently pursue its labors and at a time not less than sixty (60) days nor more than one hundred and eighty (180) days after their organization, they shall have prepared a complete proposed county charter. It shall be the duty of the secretary of the commission, at all reasonable times, to make available to any interested person the minutes of any prior meeting of the commission and any written proposals pending before the commission.

(d) In the preparation of the charter, any complete section thereof may be written in two (2) alternate and elective forms, for submission to a vote of the people. The proposed charter having been completed, there shall be written at the end thereof the words, "We hereby recommend the adoption of the foregoing proposed charter, subject to such later revisions as may grow out of our public hearings hereon," to be followed by the date of the certificates and the signatures of at least a majority of the Drafting Commission. Substantial compliance as to the form of the certificate shall be deemed sufficient.

(e) In case a Charter Drafting Commission, from any cause whatever, fails to complete a proposed charter hereunder, within the time

limit hereinbefore specified, such commission shall automatically expire, and, upon the written request of any ten (10) signers of the original petition for the adoption of a county charter, it shall be the duty of the county judge to reconvene the county convention by giving the written notice specified in Section 3 of this Act. The convention being reassembled shall proceed to the selection of a Charter Drafting Commission of the number originally fixed, in the same manner as provided for selection of the membership of the defaulting commission. The substitute commission shall proceed in time and manner as provided for the original commission. Further, in such case, the secretary of the defaulting commission shall safely keep all records of the prior commission and deliver the same to the substitute commission, or its secretary. This procedure to remedy default of a commission may be exercised as many times as may be necessary to procure the submission of a charter to the electorate.

(f) When a proposed charter has been completed and certified, the Drafting Commission, within ten (10) days shall cause the same to be published in full, in the manner provided in Section 3 of this Act. Said publication further shall provide for five (5) or more public hearings before the commission, the first of which must be not less than fourteen (14) days nor more than twenty (20) days after the first publication of the notice. The time and place of each proposed hearing shall be stated in the notice, and all of the same must be held within thirty

days after the date of the first hearing. At such hearings all qualified resident electors of the county may appear and be heard to express their views in an orderly manner, with Robert's Rules of Order, and such other reasonable limitations as the commission may adopt for the timely, efficient and orderly disposition of business. When said public hearings have been concluded, the commission, within ten (10) days, shall make such revision of the proposed charter as by them may be deemed for the betterment thereof.

Sec. 12. Within five (5) days after a proposed county charter finally has been approved for submission to the qualified electors of

the county, it shall be the duty of the Charter Drafting Commission to prepare its report announcing the conclusion of its labors and to make requisition for the holding of a charter election hereunder, which shall be addressed to the commissioners' court of the county and filed with said court within said five (5) days. Such report and requisition in form shall be substantially as follows:

To the Honorable Commissioners' Court of \_\_\_\_\_ County, Texas:

We present herewith two (2) true and certified multiples of a proposed charter to provide for the government of this county, as provided for by Section 3, Article IX, of the Constitution of Texas. We also transmit to you the journals of proceedings of the county convention and of this Charter Drafting Commission. By law, you are required to safely keep said proposed charter and said journals as permanent records, in the archives of the county, where they at all reasonable times shall be open to inspection by the public.

We hereby request that, and under the provisions of an Act of the Legislature of Texas to provide proceedings for adopting Home Rule Charters for counties it now is required that, you by order (to be entered of record in your minutes; to which one copy of the proposed charter shall be attached as an exhibit, and as part thereof) will call an election submitting said proposed charter to a vote of the qualified electors of this county for adoption or rejection, as their votes may determine, under the provisions of said Section 3, Article IX, of the Constitution.

This we pray you to do in time, manner, form and after due execution of all appropriate formalities required by the applicable law.

Executed in \_\_\_\_\_, Texas, on this, the \_\_\_\_\_ day of \_\_\_\_\_ A. D. 19\_\_\_\_, by the undersigned, who constitute a majority, or more, in number of the Charter Drafting Commission of this county.

Substantial conformity to the foregoing form shall be deemed sufficient, and the same may be amended, as a matter of right, to cure any substantive defect therein.

Sec. 13. (a) In compliance with the notice and request provided for by Section 12 hereof, an appropriate order shall be entered by the court

at a time within ten (10) days after said request is delivered to the court. Upon delivery of such request, the clerk of the court shall endorse on the presented proposed charter, and accompanying request the day and hour of the receipt of the same.

(b) By said order the court shall call an election, in which no other question may be submitted to the electors. Said election shall be held at a time not less than thirty (30) days nor more than forty (40) days after the entry of the court's order therefor.

(c) Publication of notice of said election, the holding thereof, the canvass of the returns and the declaration of the results thereof (save in those things peculiarly appropriate to the object of the election, and which peculiar matters are specifically provided for herein), shall be had, done and performed in accordance with the then effective provisions of the law regulating the holding of general elections in the State of Texas. Those additional things required and deemed peculiarly appropriate to such election are as follows, viz:

1. There shall be printed as many copies of the proposed charter as there were voters in the last preceding general election in the county, plus twenty-five per centum (25%) thereof, which copies on or before the second day succeeding the first publication of the notice of the election, shall be placed, for distribution, on request, to qualified voters of the county, at each polling place designated in the notice of election.

2. The notice of the election shall contain a full copy of the proposed charter and to include alternate and elective provisions, if any such have been submitted to the electorate, which distinct and alternate provisions shall be printed in the order given them in the proposed charter.

3. Ballots at least equal to one and one-half the vote cast in the last general election in the county shall be provided for the charter election. Distribution thereof to voting precincts changed or created later than the last general election held in the county shall be according to an estimate of the vote to be cast therein at the charter election. To each of the precincts remaining as at the last general election there shall be

distribution of ballots approximately equal to one and one-half times the votes cast therein at the last general election. After the day upon which a petition for submitting a proposal to adopt a county home rule charter, or to amend the same, is started in circulation (the commissioners' court being advised thereof by writing filed with its clerk), no county voting precinct may be redefined, consolidated or created, until a time subsequent to the election called for by the petition so filed.

4. There shall be printed on said ballots, exclusive of all other things, the following, viz:

"County Home Rule Charter Ballot  
For Adoption of Charter  
or  
Against Adoption of Charter"

Next there shall be printed in full thereon elective alternate charter provisions which may have been submitted for determination by the electors; and, in case any such elective charter provisions have been submitted, the same shall be printed in full on the ballot, in the forward progressive order in which they appear in the proposed charter. Indication of the will of the voter shall be by crossing out those propositions or provisions which are not favored. In case a voter crosses out both of two related alternate provisions, or if the voter fails to cross out one of two related alternate charter provisions, the vote to adopt or reject the charter shall nevertheless be counted on that issue.

5. No proposal to consolidate or merge the government of a governmental agency or entity, or any division or function thereof, with the government of the county for administration thereby, shall be voted on at an election held for the original adoption of a charter hereunder. However, it is provided that any such charter may contain provision whereby such consolidations may be submitted to the voters of the county.

Sec. 14. The canvassing of the returns and the declaring of the result of the election shall be by the commissioners' court of the county and the charter drafting commission jointly sitting as a board for such purpose and the result as declared shall be spread on the minutes of the commissioners' court. Contest of an election held hereunder may judi-

cially be determined as is, or may be, provided by the laws of Texas relating to contest of general elections, subject to these conditions, viz.:

(a) Written notice of such contest must be filed with the commissioners' court and with the clerk of the county charter commission within ten (10) days after the declaration of the result.

(b) In case of such notice, within five (5) days the members of the commissioners' court and the charter drafting commission shall reassemble as a joint board of review, for the public opening of those ballot boxes as to which the notice of proposed contest has specified exception, examination and recount of the ballots cast in each such voting precinct, revision, if any be required, in the tally sheets from the respective precincts in which error in the tally or returns, or illegal voting, may have been specified in the notice of proposed contest. Matters not specified in such notice of contest may not be inquired into by the board, nor later reviewed by a court. The board may hear evidence, subpoena witnesses and enforce their attendance by attachment to be issued by the clerk of any court of record on request of the board, and administer oaths to witnesses. The hearing shall be concluded as speedily as may be consistent with the object of the hearing. Having concluded the taking of evidence, the board publicly shall revise or reaffirm the tally to conform to their findings of the truth, and enter of record in the minutes of the commissioners' court their redeclaration of the result of the election. Thereupon the ballots shall be appropriately resealed in the boxes from which they were taken and, or, otherwise preserved as required by the general applicable law. A certified copy of the findings of the joint board of review must be received in evidence in any judicial proceeding contesting an election held hereunder, and shall constitute prima facie proof of the correctness of the declaration of the result of the election, as recorded by the joint board of review.

(c) The time consumed in re-examination of the returns by the Joint Board of Review, as herein provided for, shall not be computed in determining the time within

which a petition initiating an election contest in a court of appropriate jurisdiction must be filed. Such time shall be computed from the day on which the Joint Board of Review announce their decision.

(d) Upon performance of the duties hereinbefore prescribed for the Charter Drafting Commission, without other or further act, it shall be dissolved, subject only to its right to designate one of its members to be a special fiscal agent, with the duty to terminate all pecuniary business matters which have been incident to the performance of the duties of the commission, to procure payment of all outstanding lawful accounts created by the commission, in the manner provided in subdivision (b) of Section 11 of this Act.

Sec. 15. If the election results in a constitutional majority of the votes cast in the election being for the charter, the same shall be declared to be adopted and to be in effect after such procedures, at such time and under such conditions, as may be provided for in the adopted charter. If the proposal to adopt a charter be defeated in any such election, no other proposal for the adoption of a charter for the county hereunder may be initiated at a time less than twelve (12) months next succeeding the day of the defeat of the prior proposal. However, in case a charter adopted for a given county does not provide a time limitation (which may not exceed two (2) years) for a time at which such charter may be amended, and any home rule charter adopted hereunder may be amended at any time.

Sec. 15a. No county home rule charter may be adopted by any county save upon a favoring vote of the resident qualified electors of the affected county. In elections submitting to the voters a proposal to adopt a charter the vote cast by the qualified electors residing within the limits of all the incorporated cities and towns of the county shall be separately kept and counted and the votes of the qualified electors of the county who do not reside within the limits of any incorporated city or town likewise shall be separately kept and separately counted, and unless there be a favoring majority of the votes cast within and a favoring majority of the votes cast without

such collective cities and towns, the charter shall not be adopted.

Sec. 16. In case there be adoption of a county home rule charter providing for an administrative body styled other than as "Commissioners Court," and, or, "County Judge" (as a member of the court), and thereafter there be occasion to proceed for the amendment of such charter, the quoted designations, as they appear in this Act shall be held to conform to the appropriately related designations as contained in the charter.

Sec. 17. In case there be not available to a given county funds to liquidate the expenses incurred because of the exercise of power under this Act, the proponents of a proposed charter may, in writing filed with the court, designate a fiscal agent through whom the proponents may pay all such lawful and proper expenses as may accrue, preserving proper vouchers therefor. Upon presentation of the itemized verified account of such expenses, accompanied by the appropriate vouchers, the commissioners court may approve or disapprove the same, or approve the part thereof found to be proper, and on such approval the court shall pay the same to the designated fiscal agent, or his successor, as soon as money lawfully may be applied thereto, and any other law to the contrary shall be without effect. The county shall have no responsibility for the restitution of such money by the fiscal agent to the several contributing proponents, as their several interests may be.

Sec. 18. Nothing in this Act contained is intended to deny to the counties of Texas any right or power which in the absence of this Act might lawfully be enjoyed and exercised under the provisions of said Section 3 of Article IX of the Constitution. On the contrary, all such rights and powers hereby are expressly recognized.

Sec. 19. Nothing in this Act contained shall be construed to authorize county charter provisions which would impair the operation of the General Laws of the State relating to the judicial, tax, fiscal, educational, police, highway and health systems of the State, or any department of the State's superior govern-



ment; and, no charter provision having such vice may have effect as against the State.

Sec. 20. If any provision, section, part, subsection, sentence, clause, phrase, or paragraph of this Act be declared invalid or unconstitutional, the same shall not affect any other portion or provision hereof, and all other provisions shall remain valid and unaffected by any invalid provision, if any.

Sec. 21. The anticipatory enabling Act passed at the Regular Session of the Forty-third Legislature (known as Chapter 232 of the General Laws of the Regular Session of the Forty-third Legislature) shall not have effect after the instant at which this Act may be in effect, but all procedures taken thereunder (relating to the formulation, circulation, presentation and prosecution of petitions, including all orders of commissioners courts relative to such petition) hereby are validated, to the same effect as though the same had been had and done hereunder.

Sec. 22. The importance of this legislation, and the crowded condition of the calendar, create an emergency and an imperative public necessity that the constitutional rule, requiring bills to be read on three several days, be suspended, and the same is hereby suspended, and this Act shall be in full force from and after its passage, and it is so enacted.

#### SEVENTEENTH DAY

Senate Chamber,  
Austin, Texas,  
October 7, 1933.

The Senate met at 9 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Moore.
Blackert.	Murphy.
Collie.	Neal.
DeBerry.	Oneal.
Duggan.	Pace.
Fellbaum.	Parr.
Greer.	Patton.
Holbrook.	Poage.
Hopkins.	Purl.
Hornsby.	Redditt.
Martin.	Regan.

Sanderford.	Woodul.
Small.	Woodward.
Stone.	

Absent.

Russek.

Absent—Excused.

Cousins.	Woodruff.
Rawlings.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Poage.

#### Committee Reports.

(See Appendix.)

#### Bills and Resolutions.

By Senator Small:

S. B. No. 94, A bill to be entitled "An Act to authorize the selection of school depositories for independent school districts created by the Legislature prior to January 1, 1920, in certain counties regardless of the scholastic population of said districts and declaring an emergency."

Read and referred to Committee on Educational Affairs.

By Senator Greer:

S. B. No. 95, A bill to be entitled "An Act, amending article 2673 of the Revised Civil Statutes of 1925, relating to the purchase of bonds by the State Board of Education and providing that the State Board of Education may purchase school bonds from the Board of County and District Road Indebtedness, and declaring an emergency."

Read and referred to Committee on Civil Jurisprudence.

#### Senators Excused.

Senators Woodruff and Cousins were excused for the day on account of important business, on motion of Senator Poage.

#### Motion to Concur.

Senator Blackert moved to concur in the House amendment to S. C. R. No. 10. The motion prevailed by the following vote:

Yeas—25.

Beck.	DeBerry.
Blackert.	Duggan.
Collie.	Fellbaum.